

# Agenda



Listening Learning Leading

Contact Officer: Michael Flowers , Graduate Trainee Democratic and Electoral Services Officer

Tel: 07895 213755

E-mail: Michael.Flowers@southandvale.gov.uk

Date: 11 June 2021

Website: www.southoxon.gov.uk

## A MEETING OF THE

# General Licensing Committee

WILL BE HELD ON THURSDAY 24 JUNE 2021 AT 10.30 AM

TO BE HELD AT 135 EASTERN AVENUE, MILTON PARK, MILTON, OX14 4SB

### Members of the Committee:

Kellie Hinton (Chair)

Victoria Haval (Vice-Chair)  
Peter Dragonetti  
Elizabeth Gillespie  
Lorraine Hillier

Alexandrine Kantor  
Axel Macdonald  
Leigh Rawlins  
Jo Robb

Anne-Marie Simpson  
Andrea Warren  
Ian Snowdon

**Alternative formats of this publication are available on request. These include large print, Braille, audio, email and easy read. For this or any other special requirements (such as access facilities) please contact the officer named on this agenda. Please give as much notice as possible before the meeting.**

MARGARET REED

Head of Legal and Democratic

## **1 Apologies for absence**

To record apologies for absence.

## **2 Minutes** (Pages 4 - 5)

To adopt and sign as a correct record the General Licensing Committee minutes of the meeting held on 20<sup>th</sup> May 2021.

## **3 Declarations of interest**

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

## **4 Urgent business and chairman's announcements**

To receive notification of any matters which the chair determines should be considered as urgent business and the special circumstances which have made the matters urgent, and to receive any announcements from the chair.

## **5 Public participation**

To receive any questions or statements from members of the public that have registered to speak.

## **6 Joint Taxi Licensing Policy** (Pages 6 - 152)

To consider the report of the Head of Housing and Environment in relation to the revised joint taxi licensing policy.

# Minutes

OF A MEETING OF THE



Listening Learning Leading

## General Licensing Committee

HELD ON THURSDAY 20 MAY 2021 ON THE RISING OF THE PRECEDING MEETING OF THE LICENSING ACTS COMMITTEE

135 EASTERN AVENUE, MILTON PARK, MILTON, ABINGDON OX14 4SB

### Present:

Kellie Hinton (Chair)

Victoria Haval (Vice-Chair), Peter Dragonetti, Elizabeth Gillespie, Lorraine Hillier, Alexandrine Kantor, Axel Macdonald, Leigh Rawlins, Jo Robb, Anne-Marie Simpson and Andrea Warren

In attendance remotely (not eligible to vote): Councillor Alexandrine Kantor

### Apologies:

Ian Snowdon tendered apologies.

**Officers:** Steven Corrigan and Steve Culliford

### 1 Minutes

**RESOLVED:** to approve the minutes of the meeting held on 28 January 2021 as a correct record and agree that the chair sign these as such.

### 2 Declarations of interest

None.

### 3 Urgent business and chair's announcements

None.

### 4 Public participation

None.

## 5 Appointment of taxi licensing panels

The committee considered a proposal to appoint sub-committees to consider matters under the Taxi Licensing Policy

**RESOLVED:** to:

- appoint sub-committees comprising any three members of the General Licensing Committee;
- agree that the sub-committees be known as taxi licensing panels;
- appoint each member of the General Licensing Committee to serve on any taxi licensing panel which is convened so as to include her or him in its membership, subject to her or him having attended appropriate training in the last 12 months;
- authorise each taxi licensing panel to discharge all functions relating to matters referred to the committee or to its sub-committees under the Taxi Licensing Policy;
- agree that, wherever possible, applications should be heard by a panel comprising the chair or vice-chair of the committee plus two other members of the committee, but that this should not affect the principle that any three members of the committee will constitute a properly appointed panel;
- authorise the head of legal and democratic to invite an appropriate panel to conduct a scheduled hearing having regard to members' availability and eligibility to take part and ensuring that as far as possible all members of the committee have the opportunity to conduct hearings.

The meeting closed at 7.10pm

Chairman

Date

|  |  |
|--|--|
|  |  |
|--|--|

# General Licensing Committee



Report of Head of Housing and Environment

Author: Laura Driscoll

Telephone: 01235 422561

E-mail: [laura.driscoll@southandvale.gov.uk](mailto:laura.driscoll@southandvale.gov.uk)

Cabinet member responsible: David Rouane

Tel: 07957 287799

E-mail: [david.rouane@southoxon.gov.uk](mailto:david.rouane@southoxon.gov.uk)

To: General Licensing Committee

DATE: 24 June 2021



## Review of Joint Taxi Licensing Policy

### Recommendation(s)

- (a) that the Committee considers the results of the consultation exercise at Appendix A, and
- (b) subject to any further amendments approves the revised joint taxi licensing policy at Appendix B

### Purpose of Report

1. To provide the General Licensing Committee with an opportunity to review the results of the consultation in respect of the revised joint taxi licensing policy and to consider adoption of the new policy.

### Strategic Objectives

2. The relevant strategic objectives are 'Openness and accountability' and 'Improved Economic and Community Wellbeing'. The policy will also ensure the council is meeting its statutory responsibilities.

### Background

3. The current Joint Taxi Licensing Policy (policy) was published in 2013. There are no statutory requirements in respect of a review of this policy, but the aim is to review it every five years.

4. At the General Licensing Committee meeting on 28 January 2021, the committee approved a consultation exercise to seek the views of the trade and relevant stakeholders on a revised policy, and to authorise the Head of Housing and Environment to make minor editorial changes before the document was sent out to consultation.

## Consultation

5. The consultation ran for six weeks from 10 February to 24 March 2021. It was a public consultation and was also sent to
  - all licensed drivers and operators
  - Community Safety and Thames Valley Police
  - all registered on the council's corporate consultation database (including residents, businesses and organisations)
  - all local authorities in Oxfordshire (including Oxfordshire County Council) and other neighbouring local authorities
6. The report on the result of the consultation can be found at **Appendix A**, with the consultation report appendix separately available at <http://southoxon.gov.uk/taxipolicy>
7. There were 52 individual changes being proposed in the consultation. In total 182 survey responses were received.
8. Most of the responses, 69%, were received from individuals/members of the public and 16% from drivers or proprietors licensed by the district council. Over half of the individuals/members of the public said they lived in South Oxfordshire (59%), and around a third (35%) lived in Vale of White Horse.
9. The consultation highlighted that there is overall agreement for the proposed changes. Respondents took the opportunity to comment 505 times, and this provided 655 individual comments that are summarised and analysed in the consultation report.
10. The changes made to the proposed new policy at **Appendix B** as a result of feedback from the consultation are as follows:

### Change of details

5.2 amended to state that it is recommended that all licence holders notify the council if they are likely to be unable to be contacted for more than four weeks; the original proposal was two weeks.

### DBS checks for vehicle licence applicants

7.5 amended to clarify who would supply the DBS in respect of partnership applicants.

### Hackney carriage tariff

7.27 amended to make it clearer that for journeys outside the district, the fare should not exceed the tariff unless a fare is agreed in advance.

## **Operators**

9.11 has been added to clarify who should do the knowledge test in the cases of company/partnership applicants – a nominated person who is either a director, partner or company secretary.

9.16 and 9.19 amended to reflect disability awareness and safeguarding training is to be repeated every three years, rather than five. This mirrors the same requirement for drivers and is as per the consultation survey and summary changes document published.

Amended numbering in this section as there were two paragraphs numbered 9.19, two paragraphs numbered 9.20 and no 9.14.

## **Appendices A and B – vehicle equipment**

The requirement to have a fire extinguisher is recommended to be retained. Whilst advice will remain to get away from the vehicle and allow the fire and rescue service to deal with the situation, it is recognised that it may be a crucial item in case of emergency.

## **Appendix B – Specification for special vehicles**

The terminology ‘executive vehicles’ was removed from section 34 as this was unclear and included in error.

## **Appendix I**

One reference to ‘guide dog’ has been changed to ‘assistance dog’.

11. Some of the comments received were not within the scope of the consultation but will be noted for the next review of the policy, such as suggestion that all licensed vehicles should display plates, a dress code for drivers, and making it mandatory to be able to accept card payments.
12. In addition, some comments are not directly related to the policy itself but will be considered separately, such as the request for an online system that licence holders could use in order to update contact details, and changing the knowledge test format.

## **Proposed new policy**

13. Some of the changes that were made to the policy reflect new legislation, such as the Deregulation Act 2015 and the Immigration Act 2016. The working practices of the licensing team have already been amended to ensure that the council complies with the requirements of such legislation.
14. A number of changes come directly from the Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards which was published in July 2020. In their introduction to this document, the DfT states that they expect the standards to be implemented “unless there is a compelling local reason not to” (1.3) and that “as the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice...any failure to adhere

to the standards without sufficient justification could be detrimental to the authority's defence" (2.8).

15. The DfT also confirms that any changes in licensing requirements should be followed by a review of the licences already issued, but there should be a pragmatic approach to allow licence holders the opportunity to adapt or change their vehicles, or obtain the relevant training course or qualification.
16. Therefore, whilst the policy takes effect as soon as it is adopted, certain changes will be phased in and only imposed at the time the licence is next renewed. As a practical example of this, where existing licensed drivers are next due for renewal, the condition that they are required to attend refresher safeguarding and disability awareness training will then take effect, but the council would allow a six month window to allow the driver time to attend the training before considering any enforcement action.
17. If approved, the requirement to implement a tariff will commence as a separate project. We intend to consult fully with hackney carriage proprietors with a proposal as to how we would set the tariff, in advance of the public consultation required within the legislation. We cannot provide an exact timescale for this but would hope to complete this project within the next four to six months. The policy requirement will not be imposed onto hackney carriages until this work is fully complete.

### **Climate and ecological impact implications**

18. The climate implications have been taken into consideration when drafting the policy and in particular the wording in paragraphs 7.16 and 7.17.

### **Financial Implications**

19. There are no anticipated financial implications arising from the adoption of the proposed policy.

### **Legal Implications**

20. The policy has been drafted to reflect current legislative requirements and statutory guidance. The policy must be taken into consideration when making decisions in respect of matters relating to hackney carriage and private hire.

### **Risks**

21. Failure to properly consider the policy could result in the councils not complying with the legislation or statutory guidance. Having a clear policy helps to ensure that licensing decisions are fair, consistent and comply with the legislation.

### **Other Implications**

22. There are no other implications at this stage.

## **Conclusion**

23. Committee is recommended to (a) consider the results of the consultation exercise at Appendix A, and (b) subject to any further amendments approve the revised joint taxi licensing policy at Appendix B.

## **Background Papers**

Appendix A – Report on results of consultation

Appendix B – Revised Joint Taxi Licensing Policy

# Draft Licensing Policy for Hackney Carriage and Private Hire consultation

## CONSULTATION REPORT

Review of the draft hackney carriage and private hire licensing policy which sets out how we propose to regulate hackney carriages (taxis) and private hire vehicles across the South Oxfordshire and Vale of White Horse districts.

MAY 2021



## CONTENTS

|  |    |
|--|----|
| SUMMARY  | 3  |
| HOW WE HAVE USED RESULTS OF THE CONSULTATION   | 7  |
| Summary of changes made to the policy  | 8  |
| BACKGROUND TO THE ENGAGEMENT   | 8  |
| ENGAGEMENT METHODOLOGY   | 10 |
| KEY FINDINGS – QUANTITATIVE DATA   | 11 |
| Individuals/members of the public  | 12 |
| All businesses, organisations, community groups, councillors and officers  | 13 |
| Driver or proprietor licensed by the district council  | 14 |
| Operator licensed by the district council  | 16 |
| KEY FINDINGS – QUALITATIVE AND QUANTITATIVE DATA   | 17 |
| Section A: Proposed changes from Department of Transport's 'Statutory Standards'   | 17 |
| Suitability to hold a licence (including DBS checks, national register, fit and proper, criminal standards, reporting convictions, etc); | 17 |
| Safeguarding   | 28 |
| Operators requirements   | 31 |
| Complaints about licence holders   | 37 |
| Other comments   | 39 |
| Section B: Other proposed changes to the policy  | 41 |
| DBS and DVLA checks  | 41 |
| Driver standards   | 43 |
| Drivers  | 47 |
| Enforcement  | 49 |
| General  | 51 |
| Operators  | 53 |
| Vehicle criteria   | 56 |
| Other comments   | 60 |
| CCTV in licensed vehicles  | 61 |
| Anything else  | 64 |
| And Finally...   | 68 |
| FURTHER INFORMATION  | 69 |

The Appendix for the Consultation Report is a separate document, containing the following two appendices and is available to view on our website pages: [South Oxfordshire](#) or [Vale of White Horse](#):

### **Appendix for consultation report includes:**

APPENDIX A – ENGAGEMENT COMMUNICATION

APPENDIX B – SURVEY AND FULL RESULTS

Note: We only report in percentages when there are more than 100 responses. When stating percentages in the analysis, we are referring to the percentage of respondents that answered the specific question, rather than the total number of responses to the overall survey. Response percentages may not add up to 100% due to rounding up over .5 and rounding down under .5

Words that appear in italics are quotes taken from comments received.

## **SUMMARY**

This report has been produced to analyse the comments received to the Draft Licensing Policy for Hackney Carriage and Private Hire consultation. The survey was designed to help the councils gain feedback on some proposed changes to the policy for South Oxfordshire and Vale of White Horse District Councils.

The survey included 58 questions and asked participants to provide comments on Section A and Section B of the policy. Section A covers proposed changes from the Department of Transport's 'statutory standards' and section B covers other changes to develop and maintain professional and respected hackney carriage and private hire trades and to ensure an efficient and quality local transport service. The survey also asked for views on the possible inclusion of CCTV in licensed vehicles and provided the opportunity for respondents to comment on the proposed changes throughout the survey. The survey was open to all those who live, work or carry out business in and around South Oxfordshire and Vale of White Horse.

The consultation ran for six weeks from 10 February to midnight on 24 March 2021. In total 182 responses were received, specifically 172 online submissions, 9 responses via email and 1 postal response. The email and postal responses were manually added to the online consultation system, Smart Survey.

We thank everyone who took part and gave us comments on the draft Licensing Policy for Hackney Carriage and Private Hire. This consultation report and the appendix will be published online on the [South Oxfordshire](#) or [Vale of White Horse](#) pages of our website.

The key findings from the consultation and a summary of the changes made to the policy after the consultation are below.

## Key findings

The consultation highlighted that there is overall agreement for the proposed changes to the Draft Licensing Policy for Hackney Carriage and Private Hire.

There were 52 individual changes being proposed in the Draft Licensing Policy for Hackney Carriage and Private Hire consultation. Most of the 182 responses, 69%, were received from individuals/members of the public and 16% from drivers or proprietors licensed by the district council. The remaining 15% of responders is made up of district, county or town/parish councillors; operators licensed by the district council; district, county or town/parish officers; business or organisation/community groups and respondents who ticked 'other'.

Over half of the individuals/members of the public said they lived in South Oxfordshire (59%), and around a third (35%) lived in Vale of White Horse. 6% said they don't live in either of the districts but use taxis or have other interests in the districts.

30 participants are drivers or proprietors licensed by the district council are licensed by the district council, 26 by South Oxfordshire and 4 by Vale of White Horse. Over half of driver or proprietors, 16, live outside the districts. Of the remaining 13 responses, 12 live in South Oxfordshire and only 1 in Vale of White Horse.

All 8 respondents who said that their operator licences were provided by the district council said they were provided by South Oxfordshire District Council, while none were provided by Vale of White Horse.

Respondents took the opportunity to comment 505 times, and this provided 655 individual comments that are summarised and analysed in this report.

### Section A: Proposed changes from the Department for Transport's 'Statutory Standards'

There was very strong agreement overall with the proposed policy changes to the **suitability to hold a licence** section in the policy. We are expected to make these changes unless there is what the government calls 'a compelling local reason not to'.

- A very high proportion of respondents (87%) agreed with the policy change to the national register of refusals and revocations, while 2% of respondents disagreed.
- A similarly high proportion of respondents (85%) agreed with the suggestion of changing the guidance on determining suitability for all licence holders. 2% of respondents disagreed.
- When asked about adding a section to explain fitness and propriety to hold a licence in more detail, a very high proportion of respondents (85%) agreed with the proposed change to the fitness and propriety section, while 2% of respondents disagreed.
- Again, a high proportion of respondents (85%) agreed with the proposal that all licence holders must report all new convictions, cautions, etc in writing within 48 hours. 4% of respondents disagreed.
- When asked about the suggested policy for all licence holders to inform the council if they are arrested, formally interviewed as a suspect or charged with an offence by the Police, 82% agreed with reporting arrests and charges. 7% of respondents disagreed.

- The proposal for the added requirement for vehicle proprietors not currently licensed to provide a basic DBS disclosure on application, 84% agreed, 3% disagreed with the proposal.

There was general agreement overall to the proposed policies around **safeguarding**:

- 74% of respondents agreed that all applicants for a driver's licence will be required to pass safeguarding training before a licence will be granted, and once passed the training must be re-taken every 3 years, while 8% disagreed.
- The proposed policy to add a new section with advice on Safeguarding was well received as 73% of respondents agreed, and 4% disagreed.

When asked about proposed policies around **operator requirements**, respondents generally agreed with the changes:

- 74% of respondents agreed with the proposed policy change on operator DBS checks, 6% disagreed and 13% neither agree nor disagree.
- 84% of respondents agreed with the proposed policy to change to operator staff checks, 5% disagreed.
- 74% of respondents agreed with the proposed change to operator safeguarding training, 8% disagreed and 12% neither agree nor disagree.
- When asked about the proposed policy change to advice on use of public service vehicles (PSVs) and passenger carrying vehicles (TCVs), 72% of participants agree, 2% disagree and 18% neither agreed nor disagreed.

There was agreement overall with the proposed policy changes to the policy around **complaints about licence holders**:

- 76% of respondents agree with the proposed change about providing more information for passengers on complaints, 6% disagree.

Respondents who told us they disagreed with any of the proposals in Section A could provide comments. 85 respondents commented, providing 127 individual comments. There were a variety of views expressed about the proposals. Some respondents felt that too many costs were being passed on to drivers, and that these changes are *pushing drivers' overheads up even more* and should be met by the council. Some said these changes are not needed, while others thought that the taxi industry is under attack and that public safety is being used as a *fig leaf to get diesel cars off the road*. While others felt strongly that some of the proposals, such as enhanced DBS checks, shouldn't apply to company directors.

A further 59 participants provided comments to the 'other comments' question, providing 73 individual comments. There was general agreement that the changes were overdue. Most of the comments were a mix of general points, mainly regarding the importance of local knowledge, customer safety, publishing a fair pricing policy and that taxis should not be allowed to leave their engine idling while stationary.

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being 'a compelling local

reason not to' accept this change, therefore we will be including these proposals in our final document.

## Section B: Other proposed changes to the policy

There was strong agreement overall with the 'other' proposed changes section in the policy.

- 83% of respondents agreed with the proposed policy changes around Disclosure and Barring Service (**DBS**) checks and Driver and Vehicle Licensing Agency (DVLA) checks overall, 8% disagreed.
- 82% of respondents agreed with the proposed policy changes around **driver standards** overall, 8% disagreed.
- 83% of respondents agreed with the proposed policy changes to **drivers** and new driver licence conditions overall, 6% disagreed.
- 76% of respondents agreed with the proposed policy changes around **enforcement** overall, 4% disagreed.
- In the section about proposed policy changes around **general** changes, 82% agreed with the changes overall, 7% disagreed.
- 83% of respondents agreed with the proposed policy changes around **operators** overall, 7% disagreed.
- When asked about proposed policy changes around **vehicle criteria**, 81% of respondents agreed overall, 10% disagreed.

207 respondents commented on the proposed changes in Section B, providing 243 individual comments. Respondents generally agreed with the proposals and this showed in the comments made with one they are *all excellent proposals*. Some respondents did not agree with certain proposals, for example the change of the time period for a random DBS check from 28 to 14 days. Others disagreed with having to retake the disability awareness training every three years. Respondents also made comments around the idling conditions, one told us *absolutely no engine idling polluting the pavement near shops* while another disagreed saying *a driver can't be expected to sit on the rank for 2-3 hours to wait for a fare in freezing cold weather!*.

39 participants provided comments to the 'other comments' question in Section B, providing 31 individual comments. There was strong agreement overall with the changes, with one respondent telling us *thank you for improving the quality and consistency of the policies* and another in general agreement *except for the proposed tariff changes*. There were also a variety of other responses, ranging from the view that these changes will make it harder to operate a licensed vehicle and that bureaucracy should be reduced otherwise *if drivers are not incentivised they will not apply*, through to doing more spot checks and improving safety through the use of *a standard colour scheme*. Relating to the vehicle emissions proposals, a respondent pointed out that *the emissions restrictions should be made tighter sooner*.

## CCTV in licensed vehicles

We have not included any requirements for CCTV to be installed in licensed vehicles in our draft new policy, and we asked what respondents think about this. Nearly half of respondents, 48%, agree that the use of CCTV should not be a mandatory requirement in all licensed vehicles, and didn't have any comments. Nearly a quarter, 23%, have 'no opinion'.

Nearly a third of respondents, 29%, think the use of CCTV should be required in all licensed vehicles and chose to make a comment. 67 respondents commented on these proposed changes, providing 100 individual comments. A very high number of respondents agreed overall with the proposal and of the 39 comments expressing agreement, the majority mentioned that CCTV would *battle crime and also protect both the driver and passenger*. There was a significant minority who were concerned about a potential invasion of privacy and increased cost, while another suggested it could be voluntary, stating *not sure our customers will like to be filmed*.

### Anything else

48 participants provided comments to the 'anything else' question, generating 81 individual comments. There was broad overall agreement to the new licensing policy overall expressed by many respondents, with one saying it was overdue, that they *should have been done long ago*. Supporting for the prevention of taxis idling was mentioned by a few respondents, while some wanted taxis to accept credit card payments and require GPS tracking to monitor vehicle location and speed. There were some who disagreed about the policy, seeing as an attack on the trade. However, many commented that they supported making the rules tighter for public safety, with one saying *we feel the increase in consumer confidence outweighs the costs, which should be reflected in the proposed tariff charges*.

## HOW WE HAVE USED RESULTS OF THE CONSULTATION

We are very grateful to all those who took the time to respond to the consultation and provide their comments on the proposed changes.

It is encouraging to see many positive comments on the proposed new policy, but there were some concerns raised, and we have taken these into consideration. In some cases where appropriate, we have made some further changes to the draft policy as a result of concerns raised.

Some of the comments received refer to other issues relating to taxi and private hire licensing rather than the policy changes that we had proposed, such as the request for an online system that licence holders could use in order to update contact details, and changing the knowledge test format. The Licensing Team will capture and consider these comments separately or as part of any future review.

All of the comments made have been taken into consideration when creating the final version of the policy which will be put forward to the General Licensing Committees of both councils at

the earliest opportunity. If this is adopted, the new policy will be published on our websites and notification of this sent to licence holders through our regular email newsletter.

## **Summary of changes made to the policy**

### **Change of details**

5.2 has been amended to state that it is recommended that all licence holders notify the council if they are likely to be unable to be contacted for more than four weeks; the original proposal was two weeks.

### **DBS checks for vehicle licence applicants**

7.5 has been amended to clarify who would supply the DBS in respect of partnership applicants.

### **Hackney carriage tariff**

7.27 has been amended to make it clearer that for journeys outside the district, the fare should not exceed the tariff unless a fare is agreed in advance.

### **Operators**

9.11 has been added to clarify who should do the knowledge test in the cases of company/partnership applicants – a nominated person who is either a director, partner or company secretary.

9.16 and 9.19 have been amended to reflect that disability awareness and safeguarding training is to be repeated every three years, rather than five. This mirrors the same requirement for drivers and is as per the consultation survey and summary changes document published.

The numbering in section 9 has been amended as there were two paragraphs numbered 9.19, two paragraphs numbered 9.20 and no 9.14.

### **Appendices A and B – vehicle equipment**

The requirement to have a fire extinguisher is recommended to be retained. Whilst advice will remain to get away from the vehicle and allow the fire and rescue service to deal with the situation, it is recognised that it may be a crucial item in case of emergency.

### **Appendix B – Specification for special vehicles**

The terminology ‘executive vehicles’ was removed from section 34 as this was unclear and included in error.

### **Appendix I**

One reference to ‘guide dog’ has been changed to ‘assistance dog’.

## **BACKGROUND TO THE ENGAGEMENT**

The council is responsible for licensing private hire vehicles, drivers and operators. We also license hackney carriage (taxi) vehicles and drivers.

The hackney carriage and private hire licensing policy which sets out how we propose to regulate hackney carriages (taxis) and private hire vehicles across South Oxfordshire and Vale of White Horse districts required an update to reflect the changes in legislation and guidance since the policy was last reviewed.

To create the new draft policy, we reviewed and updated our previous policy. The new version includes more robust safety measures as well as changes to help us support our corporate priorities of tackling the climate emergency and building healthy communities. We also considered the Department for Transport's (DfT) Statutory Taxi and Private Hire Vehicle Standards, which were published in July 2020.

The new draft policy aims to promote the highest possible standards to keep the public safe. We aim to:

- protect the public;
- maintain and develop professional and respected hackney carriage and private hire trades;
- ensure an efficient and quality local transport service; and
- encourage environmental sustainability.

The survey asked for views on the proposed new policy. An extra question was included about closed circuit television (CCTV) in licensed vehicles, which includes private hire vehicles and taxis, which is not covered in the policy.

We didn't propose any specific level of tariff for South Oxfordshire (Vale of White Horse already had a tariff). If the General Licensing Committee decides that a tariff is to be introduced, there would be a separate project on this including a consultation with hackney carriage proprietors in South Oxfordshire to ask for their views on setting the new tariff. Any proposed tariff would be advertised before being introduced (in accordance with section 65 of the Local Government (Miscellaneous Provisions) Act 1976).

A summary of proposed changes is below. **Section A** covers proposed changes from the Department of Transport's 'statutory standards'. **Section B** covers other proposed changes to the policy.

There are also some changes we had to make to bring the policy in line with current legislation. We also added a section with general guidance on application processes and determination.

### **Section A: Proposed changes from the Department for Transport's 'Statutory Standards'**

Some of the changes we made to the policy included more robust safety measures based on a document called Statutory Taxi and Private Hire Vehicle Standards, which the Department for Transport (DfT) published in July 2020. We expected to make these changes unless there is 'a compelling local reason not to'.

The proposed policy changes include:

- suitability to hold a licence (including DBS checks, national register, fit and proper, criminal standards, reporting convictions, etc);
- safeguarding;
- operator requirements;
- complaints about licence holders.

### Section B: Other proposed changes to the policy

The new version of the policy includes other changes to develop and maintain professional and respected hackney carriage and private hire trades and to ensure an efficient and quality local transport service. It will also help us support the councils' priorities of addressing the climate emergency, improving the local economy and supporting community well-being.

- Disclosure and Barring Service (DBS) and Driver and Vehicle Licensing Agency (DVLA) checks
- Driver standards
- Drivers
- Enforcement
- General
- Operators
- Vehicle criteria

## ENGAGEMENT METHODOLOGY

The following summaries the methodology of how we undertook for the consultation.

- 1,668 email notifications were sent to taxi and private hire drivers, operators, district councillors, town and parish councils and statutory consultees such as: local authorities, disability groups and Thames Valley Police.
- Emails were sent to 1,412 consultees on the councils' consultee database, which provided a link to our websites to the following documents: the proposed new policy, summary of changes, changes in legislation and guidance and DfT document, along with details of how to comment. The notification was issued through the online consultation system Smart Survey. A total of 3,080 email notifications were sent out;
- A copy of the email notification can be found in the Appendix.
- A letter was sent to 53 consultees from the taxi drivers and operators database.
- A letter was sent to 319 contacts on the councils' consultee database issued by an external printing company, Hobbs. The letter included links to our websites, online survey and details of who to contact if respondents were unable to complete the survey online, had queries about the consultation process or required any of the material in an alternative format (see the email notification as an example of the text used in the Appendix).
- The websites were updated with the consultation documentation.
- A detailed online survey was used, with 58 questions offering participants a breakdown summary of the proposed policy changes and giving the opportunity to indicate their

level of agreement. A variety of questions were included and an opportunity to provide free text comments throughout. A copy of the survey can be found in the Appendix.

- A six-week consultation period was open for submitting responses from 10 February until midnight on 24 March 2021.
- The consultation was carried out in conformity with the councils' public engagement charter<sup>1</sup>.

### Reporting methodology

- A total of 182 completed responses were received. 236 partial responses (these are where the survey has been partly completed) were not included in the total. 9 email responses and 1 postal response was manually added to the consultation once the survey closed. An 'email response' option was added to required matrix of choice questions in Section A, this allowed officers to override the skip logic feature and manually input the email responses correctly. When looking at the data charts, the 'email response' should be added when looking at the strongly disagree and disagree results.
- Please note, questions 10 and 11 are part of the same proposal but were split into two separate questions due to the length and size restrictions on the survey.
- 1 response was received a day after the consultation closed and has not been included to the total responses.
- A total of 505 comments were received, and many of these included several points, providing 655 individual comments that are analysed in this report. Some comments received were blank responses.
- A summary of the comments to the consultation is included in this report. Any personal information supplied to us within the comments that could identify anyone has been redacted and will not be shared or published in the report. Further information on data protection is available in our general consultation's privacy statement on our [South](#) or [Vale](#) website.
- Some spelling, grammatical and punctual errors in the original comments raised were corrected in the main body of this report; a full list of unedited comments can be found in the Appendix.

## KEY FINDINGS – QUANTITATIVE DATA

The below provides the key findings to the quantitative data in the 'A little bit about you' section within the survey. The key findings to the other qualitative and quantitative data within the survey are talked about later in the report.

All questions in this section required a response. Respondents were provided different questions later in the survey depending on how they responded to the questions in this section.

---

<sup>1</sup> <https://www.southoxon.gov.uk/south-oxfordshire-district-council/about-the-council/get-in-touch/consultations/> or <https://www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/about-the-council/get-in-touch/consultations/>

The first question in the survey asked participants to confirm who they were responding as. The council asked this question to help us better understand responses to the survey and see if we are reaching a wide variety of people.

The list of options is provided in the chart below.

| <b>Are you responding as:</b> |   |  | <b>Response Percent</b> | <b>Response Total</b> |
|-------------------------------|---|--|-------------------------|-----------------------|
| 1                             | an individual/member of the public                      |  | 69.23%                  | 126                   |
| 2                             | a business or organisation/community group              |  | 0.55%                   | 1                     |
| 3                             | a district, county or town/parish councillor            |  | 3.85%                   | 7                     |
| 4                             | a district, county or town/parish officer               |  | 2.20%                   | 4                     |
| 5                             | a driver or proprietor licensed by the district council |  | 15.93%                  | 29                    |
| 6                             | an operator licensed by the district council            |  | 2.75%                   | 5                     |
| 7                             | Other (please specify):                                 |  | 5.49%                   | 10                    |
|                               |   |  | answered                | 182                   |

**Other (please specify):**

- Chairperson of customer representative group
- 9 x responses received via email

**Individuals/members of the public**

Only respondents that ticked ‘an individual/member of the public’ to question 1 were then asked which district they lived in.

| Which district do you live in? |  |   | Response Percent | Response Total |
|--------------------------------|--|---|------------------|----------------|
| 1                              | South Oxfordshire                                    |  | 58.73%           | 74             |
| 2                              | Vale of White Horse                                  |  | 34.92%           | 44             |
| 3                              | Neither, but I use taxis in the districts            |  | 3.97%            | 5              |
| 4                              | Neither, but I have other interests in the districts |  | 2.38%            | 3              |
|                                |  |   | answered         | 126            |

### All businesses, organisations, community groups, councillors and officers

Only participants that responded as a business or organisation/community group, a district, county or town/parish councillor and a district, county or town/parish officer were then asked for the name of the business or organisation/community group or council they were representing.

The list of responses is provided below:

- Thame Town Council x 3
- Swyncombe Parish Council
- Share If Ltd
- SODC (South Oxfordshire District Council)
- Wallingford Town Council
- Not applicable
- Wantage Town Council
- Wheatley Parish Council
- Oxfordshire County Council - Supported Transport Services
- Vale of White Horse District and Cumnor Parish Councils

Participants were also asked to confirm where their business was based.

| Where is the business based? Tick all that apply. |  |   |                |
|---|--|---|----------------|
|   |  |   |                |
|   |  |   |                |
|   |  | Response Percent  | Response Total |
| 1   | South Oxfordshire  |  | 58.33%<br>7    |
| 2   | Vale of White Horse                                      |  | 33.33%<br>4    |
| 3   | Based out of districts (but trade within South and Vale) |  | 8.33%<br>1     |
|   |  | answered  | 12             |

### Driver or proprietor licensed by the district council

Only participants that responded as a driver or proprietor licensed by the district council were asked which district council they were licensed by.

| Which district council are you licensed by? |                     |  |                |
|---|---------------------|--|----------------|
|   |                     |  |                |
|   |                     |  |                |
|   |                     | Response Percent   | Response Total |
| 1   | South Oxfordshire   |  | 89.66%<br>26   |
| 2   | Vale of White Horse |   | 13.79%<br>4    |
|   |                     | answered   | 29             |

26 of the participants are licensed by South Oxfordshire and 4 by Vale of White Horse. We believe there were significantly more respondents licensed by South Oxfordshire as we have more than double the amount of drivers licensed by South Oxfordshire (930) compared with Vale of White Horse (417).

Drivers or proprietors were then asked which district they lived in. If participants lived outside of the districts, then they were asked to provide the name of the district or local authority, and to provide their name, or operator trading name.

| Which district do you live in? |  |   | Response Percent | Response Total |
|--------------------------------|--|---|------------------|----------------|
| 1                              | South Oxfordshire                          |  | 41.38%           | 12             |
| 2                              | Vale of White Horse                        |  | 3.45%            | 1              |
| 3                              | Neither, I live outside of these districts |  | 55.17%           | 16             |
|                                |  |   | answered         | 29             |

15 of these respondents provided the name of the district or local authority they lived in. The responses to this question are listed below.

**If you live outside of the districts, please tell us which district or local authority you live in:**

- Oxford City x 4
- Cherwell x 3
- Reading x 2
- Buckinghamshire x 2
- Berkshire
- Slough
- West Berkshire
- We have offices in Didcot, Newbury, and Oxford

The next question in this section asked drivers and proprietors to provide their name or trading name before being routed to Section A: Proposed changes from the Department for Transport's 'Statutory Standards'.

26 participants answered this question and the responses are provided below. Personal information supplied has been redacted.

**Please provide either your name, or your operator trading name:**

- Go Green Taxis x 2
- 001 taxis x 2
- Henley Taxi
- Chiltern car
- N/a
- Butla cars
- Bobs taxis

## Operator licensed by the district council

Only participants that responded as an operator licensed by the district council, were asked which district council provides their operator licence.

| Which district council provides your operator licence? |                     |  | Response Percent | Response Total |
|--|---------------------|--|------------------|----------------|
| 1  | South Oxfordshire   |  | 100.00%          | 8              |
| 2  | Vale of White Horse |  | 0.00%            | 0              |
|  |                     |  | answered         | 8              |

All 8 of the operators who responded to this question, said that their licences were provided by South Oxfordshire District Council. None were from Vale of White Horse; this could be because some companies who are based in Vale don't need operator licences – they only 'operate' hackney carriages – so this question wouldn't apply to them.

All respondents also provided their name, or operator trading name. A list of the responses to this question are provided below where a trading name has been provided. Individual names are not included here for data protection reasons.

### Please provide either your name, or your operator trading name:

- Ra cars
- Lightway Services Ltd
- Chrissie's Cabs
- Henley cars
- Driving Miss Daisy Didcot
- Pryors Corporate Travel

Operators were then routed in the survey to Section A: Proposed changes from the Department for Transport's 'Statutory Standards'.

## KEY FINDINGS – QUALITATIVE AND QUANTITATIVE DATA

The key qualitative and quantitative findings from section A: proposed changes from the Department for Transport's 'Statutory Standards' and section B: other proposed changes to the policy are summarised below.

Respondents were required to answer all the matrix of choice questions in section A, but a 'no comment' option was made available. If participants strongly disagreed or disagreed with any of the proposed policy changes, they then had the opportunity to provide a 'compelling local reason' for the council to consider. These questions included a free text box and were not required.

Section B, and the remaining sections in the survey, included a variety of questions. Respondents were not required to answer these.

The charts below are provided for each section of the consultation. A breakdown of the data is also available in matrix charts. The summary of the comments and suggestions received and how frequently they were mentioned, can be found in the tables below.

### **Section A: Proposed changes from Department of Transport's 'Statutory Standards'**

Respondents were asked to comment on the proposed changes to the policy that came from the Department for Transport's 'Statutory Standards'.

The council is expected to make these changes unless there is what the government calls 'a compelling local reason not to'. If respondents disagreed with any of the proposed policies, then they had the opportunity to tell us their compelling local reason for us to consider.

The proposed policy changes include:

- suitability to hold a licence (including DBS checks, national register, fit and proper, criminal standards, reporting convictions, etc);
- safeguarding;
- operator requirements;
- complaints about licence holders.

### **Suitability to hold a licence (including DBS checks, national register, fit and proper, criminal standards, reporting convictions, etc);**

This section of the consultation asked respondents about the DfT 'Statutory Standards' proposals around suitability to hold a licence (including Disclosure and Barring Service [DBS] checks, national register, fit and proper, criminal standards, reporting convictions, etc).

More information on the consultation was made available via links to our websites.

Participants were asked how far they agreed or disagreed with the proposed policy changes listed in the tables below.

**PROPOSED POLICY CHANGE: NATIONAL REGISTER OF REFUSALS AND REVOCATIONS (SECTION 3.11)**

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change to the national register of refusals and revocations (section 3.11). Added reference to the national register of refusals and revocations (NR3) which will be used to share information and check new applicants and existing licence holders.

| National register of refusals and revocations (section 3.11) Added reference to the national register of refusals and revocations (NR3) which will be used to share information and check new applicants and existing licence holders |                            | Response Percent  | Response Total |
|---|----------------------------|---|----------------|
| 1   | Strongly agree             |    | 48.9%<br>89    |
| 2   | Agree                      |    | 38.5%<br>70    |
| 3   | Neither agree nor disagree |    | 3.8%<br>7      |
| 4   | Disagree                   |   | 1.1%<br>2      |
| 5   | Strongly disagree          |  | 0.5%<br>1      |
| 6   | No comment                 |  | 7.1%<br>13     |
|   |                            | answered  | 182            |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a ‘compelling local reason’ why we should not make this change, for the council to consider.

2 participants provided comments to this question, providing 4 individual comments. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type  | Frequency |
|---|-----------|
| taxi drivers are safer than other drivers               | 1         |
| Costs are being passed on to drivers                    | 1         |
| Public safety is excuse to get diesel cars off the road | 1         |
| Most honest drivers suffering for few bad apples        | 1         |

Respondents felt that there are a few bad apples causing the council to take stronger measures and there was a sense that drivers are being forced out of the trade by using public safety as an excuse. There was a reference to too many costs being passed on to drivers and that taxi drivers are safer than other drivers and more honest.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being ‘a compelling local reason not to’ accept this change, therefore we will be including these proposals in our final document.

It should also be noted there is no separate charge levied for us to use the national register of refusals and revocations that would need to be passed on to drivers.

**PROPOSED POLICY CHANGE: GUIDANCE ON DETERMINING SUITABILITY (SECTION 4.1 AND APPENDIX F)**

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change to the guidance on determining suitability (section 4.1 and Appendix F). Added a section to confirm introduction of new guidance on determining suitability for all licence holders.

| <b>Guidance on determining suitability (section 4.1 and Appendix F) Added a section to confirm introduction of new guidance on determining suitability for all licence holders</b> |                            | <b>Response Percent</b> | <b>Response Total</b> |
|--|----------------------------|-------------------------|-----------------------|
| 1  | Strongly agree             | 47.3%                   | 86                    |
| 2  | Agree                      | 37.9%                   | 69                    |
| 3  | Neither agree nor disagree | 4.9%                    | 9                     |
| 4  | Disagree                   | 1.1%                    | 2                     |
| 5  | Strongly disagree          | 0.5%                    | 1                     |
| 6  | No comment                 | 8.2%                    | 15                    |
|  |                            | answered                | 182                   |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a ‘compelling local reason’ why we should not make this change, for the council to consider.

2 participants provided comments to this question, providing 3 individual comments. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type  | Frequency |
|---|-----------|
| Don't agree with change, new section not needed         | 2         |
| Public safety is excuse to get diesel cars off the road | 1         |

Reasons for disagreement with this policy are that a new section isn't needed, the council is going too far with this suggestion and public safety is a *fig leaf to get diesel cars off the road*.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being 'a compelling local reason not to' accept this change, therefore we will be including these proposals in our final document.

**PROPOSED POLICY CHANGE: FITNESS AND PROPRIETY SECTION (SECTION 4.2)**

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change made to the fitness and propriety section (section 4.2). Added a section to explain fitness and propriety to hold a licence in more detail.

| Fitness and propriety section (section 4.2) Added a section to explain fitness and propriety to hold a licence in more detail |  | Response Percent | Response Total |
|---|--|------------------|----------------|
| 1   | Strongly agree              | 48.4%            | 88             |
| 2   | Agree                       | 36.8%            | 67             |
| 3   | Neither agree nor disagree  | 6.6%             | 12             |
| 4   | Disagree                    | 1.6%             | 3              |
| 5   | Strongly disagree  | 0.0%             | 0              |
| 6   | No comment                  | 6.6%             | 12             |
|   |  | answered         | 182            |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a 'compelling local reason' why we should not make this change, for the council to

consider.

2 participants provided comments to this question, providing 2 individual comments. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type                  | Frequency |
|-------------------------------|-----------|
| Need to be healthy, not fit   | 1         |
| Taxi industry is under attack | 1         |

One view given is that taxi drivers *don't need to be fit to drive, just need to be healthy*, while another feels the taxi industry is under attack.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being 'a compelling local reason not to' accept this change, therefore we will be including these proposals in our final document.

**PROPOSED POLICY CHANGE: REPORTING CONVICTIONS AND OFFENCES (SECTION 4.4)**

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change to reporting convictions and offences (section 4.4). All licence holders must report all new convictions, cautions, etc in writing within 48 hours.

| Reporting convictions and offences (section 4.4) All licence holders must report all new convictions, cautions, etc in writing within 48 hours |                            |   | Response Percent | Response Total |
|--|----------------------------|---|------------------|----------------|
| 1  | Strongly agree             |  | 59.3%            | 108            |
| 2  | Agree                      |  | 25.3%            | 46             |
| 3  | Neither agree nor disagree |  | 6.0%             | 11             |
| 4  | Disagree                   |  | 3.3%             | 6              |
| 5  | Strongly disagree          |  | 0.5%             | 1              |
| 6  | No comment                 |  | 5.5%             | 10             |

|  |          |     |
|--|----------|-----|
|  | answered | 182 |
|--|----------|-----|

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a ‘compelling local reason’ why we should not make this change, for the council to consider.

5 participants provided comments to this question, providing 9 individual comments and questions. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type                               | Frequency |
|--|-----------|
| 48 hours not long enough                   | 4         |
| Time should cover weekend                  | 2         |
| should be 72 hours                         | 1         |
| Should be 7 days                           | 1         |
| If we don't report, do we lose livelihood? | 1         |

There were concerns raised that the length of time given to report a conviction, 48 hours, was not long enough and suggestions were made to give drivers either 72 hours or a week in which to report a conviction or offence. One respondent said that drivers *work long hours and may not have access to or be familiar with online procedures.*

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being ‘a compelling local reason not to’ accept this change, therefore we will be including these proposals in our final document.

**QUESTION**

Q. If we don't report, do we lose livelihood?

A. Breaches of licence conditions and legislation are dealt with in accordance with our enforcement policy.

**PROPOSED POLICY CHANGE: REPORTING ARRESTS AND CHARGES (SECTION 4.5)**

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change to reporting arrests and charges (section 4.5). All licence holders must inform the council if they are arrested, formally interviewed as a suspect or charged with an offence by the Police

| Reporting arrests and charges (section 4.5) All licence holders must inform the council if they are arrested, formally interviewed as a suspect or charged with an offence by the Police |                            |   | Response Percent | Response Total |
|--|----------------------------|---|------------------|----------------|
| 1  | Strongly agree             |  | 63.2%            | 115            |
| 2  | Agree                      |  | 19.2%            | 35             |
| 3  | Neither agree nor disagree |  | 4.4%             | 8              |
| 4  | Disagree                   |  | 3.3%             | 6              |
| 5  | Strongly disagree          |  | 3.3%             | 6              |
| 6  | No comment                 |  | 6.6%             | 12             |
|  |                            |   | answered         | 182            |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a 'compelling local reason' why we should not make this change, for the council to consider.

6 participants provided comments to this question, providing 11 individual comments. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type   | Frequency |
|--|-----------|
| Don't agree with arrest part (unless you are convicted and charged)                  | 3         |
| Don't agree with being formally interviewed as a suspect part                        | 3         |
| Innocent until proven guilty   | 2         |
| Driver should register for update service, or wait for new DBS before licence issued | 1         |
| Police may wrongly arrest you  | 1         |
| Police should inform council using their register, not driver                        | 1         |

There were concerns raised about the need to inform the council if a driver is arrested and / or interviewed as the *police may wrongly arrest you* and you are *innocent until proven guilty*. If convicted and charged, then responders agreed with this proposal, but not if you are just *interviewed as a suspect*.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being ‘a compelling local reason not to’ accept this change, therefore we will be including these proposals in our final document.

**PROPOSED POLICY CHANGE: VEHICLE PROPRIETOR DBS CHECKS (SECTION 7.5)**

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change to vehicle proprietor DBS checks (section 7.5). Added requirement for vehicle proprietors not currently licensed to provide a basic DBS disclosure on application.

| Vehicle proprietor DBS checks (section 7.5) Added requirement for vehicle proprietors not currently licensed to provide a basic DBS disclosure on application |                            | Response Percent | Response Total |
|---|----------------------------|------------------|----------------|
| 1   | Strongly agree             | 55.6%            | 100            |
| 2   | Agree                      | 28.3%            | 51             |
| 3   | Neither agree nor disagree | 7.2%             | 13             |
| 4   | Disagree                   | 2.8%             | 5              |
| 5   | Strongly disagree          | 0.6%             | 1              |
| 6   | No comment                 | 5.0%             | 9              |
| 7   | Email response             | 0.6%             | 1              |
|   |                            | answered         | 180            |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a ‘compelling local reason’ why we should not make this change, for the council to consider.

3 participants provided comments to this question, providing 6 individual comments. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type  | Frequency |
|---|-----------|
| Needless extra overhead for drivers                             | 1         |
| How does this apply to a company renting a vehicle to a driver? | 1         |
| How does this apply to drivers renting a vehicle?               | 1         |

|   |   |
|---|---|
| Impractical for all directors as there may be several                     | 1 |
| Suggest one or two named persons, like other industries e.g. road haulage | 1 |
| Directors are not connected to day to day business                        | 1 |

Providing a basic DBS disclosure on application was viewed as *pushing drivers' overheads up even more*. Comments were made about the policy applying to company directors: one respondent felt that while accepting the checks are required, it was seen as *impractical* for all directors and the company secretary to provide a DBS, especially when *some are often not connected to the day to day management of the business*. The suggestion here is for named persons to take responsibility on behalf of a company, as done in other industries.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being 'a compelling local reason not to' accept this change, therefore we will be including these proposals in our final document.

## QUESTIONS

Q. How does this apply to a company renting a vehicle to a driver?

A. This would apply to the vehicle proprietor as the applicant. Under section 80 of the Local Government (Miscellaneous Provisions) Act 1976 it is a legal requirement that the proprietor of a vehicle is the one who should apply for and hold the licence. In the same legislation, where a vehicle is the subject of a hiring agreement or hire purchase agreement, the proprietor is defined as being is the person in possession of the vehicle under that agreement. If the company is hiring the vehicle to a driver, that driver would be the proprietor rather than the company.

Q. How does this apply to drivers renting a vehicle?

A. Under section 80 of the Local Government (Miscellaneous Provisions) Act 1976 it is a legal requirement that the proprietor of a vehicle is the one who should apply for and hold the licence. In the same legislation, where a vehicle is the subject of a hiring agreement or hire purchase agreement, the proprietor is defined as being is the person in possession of the vehicle under that agreement. Therefore if the driver has a hire agreement, they will be the proprietor and it would apply to them.

## PROPOSED POLICY CHANGE: DRIVER DBS CHECKS (SECTION 8.14)

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change to driver DBS checks (section 8.14). No driver's licences will be issued or renewed without a current enhanced DBS disclosure or one checked through the Update service.

| Driver DBS checks (section 8.14) No driver's licences will be issued or renewed without a current enhanced DBS disclosure or one checked through the Update service |                            |   | Response Percent | Response Total |
|---|----------------------------|---|------------------|----------------|
| 1   | Strongly agree             |  | 60.2%            | 109            |
| 2   | Agree                      |  | 24.3%            | 44             |
| 3   | Neither agree nor disagree |  | 5.0%             | 9              |
| 4   | Disagree                   |  | 3.3%             | 6              |
| 5   | Strongly disagree          |  | 0.6%             | 1              |
| 6   | No comment                 |  | 6.6%             | 12             |
|   |                            |   | answered         | 181            |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a 'compelling local reason' why we should not make this change, for the council to consider.

5 participants provided comments to this question, providing 8 individual comments and questions. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type   | Frequency |
|--|-----------|
| Should be a simple check   | 1         |
| Council should pay   | 1         |
| Why is initial DBS just basic and not enhanced DBS?                        | 1         |
| What if there is a delay that is not applicant's fault?                    | 1         |
| Should have full day of Disability Awareness Training                      | 1         |
| Manual handling should be a recognised standard                            | 1         |
| Suggest refresh every 3 years  | 1         |
| Suggest removal from approved list if driver doesn't attend (DAT) training | 1         |

One comment said there should just be a *simple check*, implying that there should not be an 'enhanced' DBS disclosure. In contrast, another wondered *why is initial DBS just basic and not enhanced DBS?* Another asked what would happen if there was *undue delay on a renewal, not caused by the applicant's error?* Note that one respondent made 4 comments referring to disability awareness training (the last 4 comments in the table above) and we assume the respondent confused DBS with DAT.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being ‘a compelling local reason not to’ accept this change, therefore we will be including these proposals in our final document.

QUESTIONS

Q. Why is initial DBS just basic and not enhanced DBS?

A. We do have enhanced DBS checks for all driver licence applicants. The law does not permit us to carry out enhanced DBS checks on operators or vehicle proprietors.

Q. What if there is a delay that is not applicant's fault?

A. The DBS Update Service is an immediate online check and therefore this should greatly reduce the risk of any delays in this process.

PROPOSED POLICY CHANGE: DBS UPDATE SERVICE (SECTION 8.16)

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change to DBS update service (section 8.16). All drivers must sign up for and maintain their annual payments to the DBS Update Service. Failure to do so may result in suspension of the licence.

| DBS Update service (section 8.16) All drivers must sign up for and maintain their annual payments to the DBS Update Service. Failure to do so may result in suspension of the licence |                            |   | Response Percent | Response Total |
|---|----------------------------|---|------------------|----------------|
| 1   | Strongly agree             |  | 49.5%            | 90             |
| 2   | Agree                      |  | 29.1%            | 53             |
| 3   | Neither agree nor disagree |  | 7.7%             | 14             |
| 4   | Disagree                   |  | 3.3%             | 6              |
| 5   | Strongly disagree          |  | 4.9%             | 9              |
| 6   | No comment                 |  | 5.5%             | 10             |
|   |                            |   | answered         | 182            |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a ‘compelling local reason’ why we should not make this change, for the council to consider.

9 participants provided comments to this question, providing 10 individual comments. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type   | Frequency |
|--|-----------|
| Should be able to renew without cost                                       | 4         |
| Not everyone will sign up to it  | 1         |
| Don't agree this should be mandatory, should be a choice                   | 1         |
| Council should pay if they want the DBS                                    | 1         |
| Unnecessary  | 1         |
| Some older drivers not confident with computers                            | 1         |
| Council should issue a warning first, then give time for update to be done | 1         |

There was a general feeling that drivers should not have to pay for the DBS update service, not everyone can afford it, especially as they have had a *difficult year* and felt that *if the council requires a ...DBS check council should pay for it*. Other respondents thought it was unnecessary, not everyone will sign up for it, and that it is *an extreme step to suspend a licence*.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being ‘a compelling local reason not to’ accept this change, therefore we will be including these proposals in our final document.

## Safeguarding

This section of the consultation asked respondents about the DfT 'Statutory Standards' policies around safeguarding. More information on the consultation was made available via links to our websites.

Participants were asked how far they agreed or disagreed with the proposed policy changes listed in the table below.

182 respondents answered this section of the survey. Overall, the output received tells us that respondents agree with the proposals around safeguarding.

### PROPOSED POLICY CHANGE: DRIVER SAFEGUARDING TRAINING (SECTION 8.33-8.34)

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change to driver safeguarding training (section 8.33-8.34). All applicants for a driver’s licence will be required to pass safeguarding training before a licence will be granted, and once passed the training must be re-taken every 3 years.

| Driver safeguarding training (section 8.33-8.34) All applicants for a driver’s licence will be required to pass safeguarding training before a licence will be granted, and once passed the training must be re-taken every 3 years |                            |   | Response Percent | Response Total |
|---|----------------------------|---|------------------|----------------|
| 1   | Strongly agree             |  | 45.6%            | 83             |
| 2   | Agree                      |  | 28.6%            | 52             |
| 3   | Neither agree nor disagree |  | 11.0%            | 20             |
| 4   | Disagree                   |  | 5.5%             | 10             |
| 5   | Strongly disagree          |  | 2.7%             | 5              |
| 6   | No comment                 |  | 6.6%             | 12             |
|   |                            |   | answered         | 182            |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a ‘compelling local reason’ why we should not make this change, for the council to consider.

11 participants provided comments to this question, providing 15 individual comments and questions. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type  | Frequency |
|---|-----------|
| Safeguarding is pretty basic, only need training for new applications | 5         |
| Don't agree if there is cost to applicant                             | 5         |
| Will this apply to new drivers or all drivers?                        | 1         |
| Retraining makes it complicated and stressful for drivers             | 1         |
| Suggest every five years  | 1         |

The feedback highlighted that once the test has been passed and there is no complaint from members of the public, you *should not have to waste extra time and money retraining*. There were also several comments stating that the cost of retaking the training should not be met by the drivers. Respondents also felt that as the training is *extremely basic* there is no need to repeat it every 3 years, with one suggesting it would be better to retake it every 5 years.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being ‘a compelling local reason not to’ accept this change, therefore we will be including these proposals in our final document.

**QUESTIONS**

Q. Will this apply to new drivers only? Or all drivers?

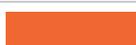
A. The proposal is that this will apply to all licensed drivers.

Q. Think the safeguarding training is a good idea but not too happy if this involves so much of an extra cost to the applicant - is it free?

A. The course is not free, but it is charged to ensure that we cover the costs of the training only.

**PROPOSED POLICY CHANGE: ADVICE ON SAFEGUARDING (APPENDIX H)**

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change on advice on safeguarding (Appendix H). Add a new section with advice on Safeguarding.

| Advice on safeguarding (Appendix H) New section added with advice on Safeguarding |                            |   | Response Percent | Response Total |
|---|----------------------------|---|------------------|----------------|
| 1   | Strongly agree             |    | 42.3%            | 77             |
| 2   | Agree                      |    | 30.2%            | 55             |
| 3   | Neither agree nor disagree |    | 15.9%            | 29             |
| 4   | Disagree                   |   | 2.2%             | 4              |
| 5   | Strongly disagree          |  | 1.6%             | 3              |
| 6   | No comment                 |  | 7.7%             | 14             |
|   |                            |   | answered         | 182            |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a 'compelling local reason' why we should not make this change, for the council to consider.

4 participants provided comments to this question, providing 4 individual comments. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type  | Frequency |
|---|-----------|
| Common sense is all that is needed, drivers are already aware | 2         |
| Don't agree if there is cost to applicant                     | 1         |
| Not necessary every 3 years                                   | 1         |

The suggestion to add a new section with advice on safeguarding was met with a couple of respondents commenting that *common sense* is all that is needed, and that the drivers already know this information. Other points made were about disagreeing if there is a cost to drivers, and that the retraining isn't needed every 3 years.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being ‘a compelling local reason not to’ accept this change, therefore we will be including these proposals in our final document.

## Operators requirements

This section of the consultation asked respondents about the DfT 'Statutory Standards' policies around operator requirements. More information on the consultation was made available via links to our websites.

Participants were asked how far they agreed or disagreed with the proposed policy changes listed in the table below.

Overall, the survey output tells us that respondents agree with the proposed policy changes to the DfT 'Statutory Standards' policies around operator requirements.

### PROPOSED POLICY CHANGE: OPERATOR DBS CHECKS (SECTION 9.3-9.5)

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change on Operator DBS checks (section 9.3-9.5). Amend basic DBS requirement for private hire operators to confirm the DBS disclosure is valid for 1 month. Those operators who are already licensed drivers are exempt from the requirement to provide a basic DBS. In the case of companies, we may also require the directors and company secretary to provide a basic DBS each.

| Operator DBS checks (section 9.3-9.5) Amend basic DBS requirement for private hire operators to confirm the DBS disclosure is valid for 1 month. Those operators who are already licensed drivers are exempt from the requirement to provide a basic DBS. In the case of companies, we may also require the directors and company secretary to provide a Basic DBS each |                            |   | Response Percent | Response Total |
|---|----------------------------|---|------------------|----------------|
| 1   | Strongly agree             |  | 40.1%            | 73             |
| 2   | Agree                      |  | 33.5%            | 61             |
| 3   | Neither agree nor disagree |  | 12.6%            | 23             |
| 4   | Disagree                   |  | 3.3%             | 6              |
| 5   | Strongly disagree          |  | 2.7%             | 5              |
| 6   | No comment                 |  | 7.1%             | 13             |
| 7   | Email response             |  | 0.5%             | 1              |

|  |                         |                       |
|--|-------------------------|-----------------------|
| <b>Operator DBS checks (section 9.3-9.5) Amend basic DBS requirement for private hire operators to confirm the DBS disclosure is valid for 1 month. Those operators who are already licensed drivers are exempt from the requirement to provide a basic DBS. In the case of companies, we may also require the directors and company secretary to provide a Basic DBS each</b> | <b>Response Percent</b> | <b>Response Total</b> |
|  | answered                | 182                   |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a ‘compelling local reason’ why we should not make this change, for the council to consider.

10 participants provided comments to this question, providing 9 individual comments and questions with 1 n/a. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type   | Frequency |
|--|-----------|
| Disagree that already licensed drivers are exempt from providing basic DBS                               | 3         |
| More costs, admin and paperwork for no real benefit  | 2         |
| Don't agree directors and company secretary should provide basic DBS - we have no contact with customers | 2         |
| If director or secretary was convicted, would all employees be out of work?                              | 2         |
| Please provide reasoning or examples of why you would need to DBS check a company director?              | 2         |
| Operators should take enhanced DBS   | 2         |
| Don't understand what this means, need to use plain English  | 1         |
| Delivery company doesn't need this, why does taxi company?   | 1         |
| Council interference under guise of public safety causes increase in mental health stress and anxiety    | 1         |

Three respondents commented that licensed drivers should not be exempt from providing a basic DBS, with one stating that *this leaves a loophole*. In other comments, respondents feel this just seems like *more unneeded nonsense*, while another responder commented *we strongly believe that the licenced operator should be subject to an enhanced DBS*. The inclusion of directors and company secretaries in the requirement to provide a basic DBS brought several comments around the relevance of this policy, given that one director has *zero contact with any of our customers*.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being ‘a compelling local reason not to’ accept this change, therefore we will be including these proposals in our final document.

To clarify, the only reason that licensed drivers would be exempt from providing a basic DBS is because they would already hold an enhanced DBS, which could be checked through the Update Service. It would also not be legal for the council to do an enhanced DBS on an operator as we are only permitted to carry out enhanced checks on drivers.

QUESTIONS

Q. If director or secretary was convicted, would all employees be out of work?

A. Each case would be considered on its own merits and in accordance with our enforcement policy.

Q. Please provide reasoning or examples of why you would need to DBS check a company director?

A. The DfT Statutory Standards document contains a section on operator licensing which explains why they feel such checks are necessary. Please refer to section 8.

Q. Delivery company doesn't need this, why does taxi company?

A. The DfT Statutory Standards document contains a section on operator licensing which explains why they feel such checks are necessary. Please refer to section 8.

PROPOSED POLICY CHANGE: OPERATOR STAFF CHECKS (SECTION 9.6)

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change to operator staff checks (section 9.6). Private hire operators should keep a register of all staff who have access to booking information, must obtain basic DBS disclosures for all such staff and must have a written policy on employing ex-offenders.

| Operator staff checks (section 9.6) Private hire operators should keep a register of all staff who have access to booking information, must obtain basic DBS disclosures for all such staff and must have a written policy on employing ex-offenders |                            |   | Response Percent | Response Total |
|--|----------------------------|---|------------------|----------------|
| 1  | Strongly agree             |  | 54.4%            | 99             |
| 2  | Agree                      |  | 29.1%            | 53             |
| 3  | Neither agree nor disagree |  | 5.5%             | 10             |
| 4  | Disagree                   |  | 2.2%             | 4              |
| 5  | Strongly disagree          |  | 2.7%             | 5              |
| 6  | No comment                 |  | 5.5%             | 10             |
| 7  | Email response             |  | 0.5%             | 1              |
|  |                            |   | answered         | 182            |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a ‘compelling local reason’ why we should not make this change, for the council to consider.

8 participants provided comments to this question, providing 14 individual comments and questions. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type  | Frequency |
|---|-----------|
| Is there a local problem or is this just red tape?  | 2         |
| Not practical as operators are outsourcing telephone service  | 2         |
| Operators moving to app based booking service - how would this fit in policy?                         | 2         |
| These checks should be responsibility of operators, not the council                                   | 1         |
| Most private hire operators are one man bands, so not relevant  | 1         |
| Seems like the council singling out the taxi industry   | 1         |
| More costs, admin and paperwork for no real benefit   | 1         |
| Council interference under guise of public safety causes increase in mental health stress and anxiety | 1         |
| Don't agree that booking staff needs DBS as they don't have contact with clients                      | 1         |
| Agree with written policy for ex-offenders  | 1         |
| Don't agree with annual DBS when 3 years is acceptable for drivers                                    | 1         |

For operators who are now outsourcing telephony services, either to overseas providers or out of hours call centres, for one respondent this policy is *not...practical* and for another, they point out that *technology has moved on massively from the laws governing our trade...will you want the software engineer to do a DBS?* A respondent mentioned that this *just seems like yet more admin, costs and paperwork*, and another queried whether this is a local problem or just *red tape*. A wide variety of other comments were made about this policy, including the view that operators should decide who to employ, not the council as it will be operators *helping people back from their previous lifestyle*.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being ‘a compelling local reason not to’ accept this change, therefore we will be including these proposals in our final document.

## QUESTIONS

Q. Is there a local problem or is this just red tape?

A. The [DfT Statutory Standards document](#) explains their reasoning behind their recommendations in detail. We are expected to implement the proposals in order to improve consistency in the licensing system as a whole.

Q. Operators moving to app based booking service - how would this fit in policy?

A. If an operator cannot comply with any of the policy requirements, this can be considered on a case by case basis.

**PROPOSED POLICY CHANGE: OPERATOR SAFEGUARDING TRAINING (SECTION 9.18-9.20)**

Participants were asked to indicate how far they agreed or disagreed with the proposed change to operator safeguarding training (section 9.18-9.20). All applicants for a private hire operator’s licence and all staff taking bookings and dispatching work will be required to pass safeguarding training before a licence will be granted, and once passed the training must be re-taken every 3 years

| Operator safeguarding training (section 9.18-9.20) All applicants for a private hire operator’s licence and all staff taking bookings and dispatching work will be required to pass safeguarding training before a licence will be granted, and once passed the training must be re-taken every 3 years |                            |  | Response Percent | Response Total |
|---|----------------------------|--|------------------|----------------|
| 1   | Strongly agree             |  | 48.4%            | 88             |
| 2   | Agree                      |  | 25.8%            | 47             |
| 3   | Neither agree nor disagree |  | 11.5%            | 21             |
| 4   | Disagree                   |  | 3.8%             | 7              |
| 5   | Strongly disagree          |  | 3.8%             | 7              |
| 6   | No comment                 |  | 6.6%             | 12             |
|   |                            |  | answered         | 182            |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a ‘compelling local reason’ why we should not make this change, for the council to consider.

9 participants provided comments to this question, providing 16 individual comments and questions with 1 n/a. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type  | Frequency |
|---|-----------|
| Waste of time and money                                 | 3         |
| Council is creating jobs at the expense of taxi drivers | 2         |
| Don't agree if operator has extra cost                  | 2         |
| Is there a local problem or is this just red tape?      | 1         |
| Does council have evidence of local issues?             | 1         |

|   |   |
|---|---|
| Council is adding to an already heavy workload, making it harder to serve the public                  | 1 |
| Council interference under guise of public safety causes increase in mental health stress and anxiety | 1 |
| Operators moving to app based booking service - how would this fit in policy?                         | 1 |
| We should have level playing field with large international tech companies like Uber                  | 1 |
| Don't agree with safeguarding training every 3 years  | 1 |

There is a general feeling amongst these respondents that this policy is a waste of time and not needed and adding more red tape. One responder says it's *yet more red tape and wasted tax payer money...pointless policy adds to your already ridiculously long waiting times to get a private hire operators licence*. Another doesn't agree that the cost should be met by operators, asking *Would all members of Ubers' staff also be required to undertake this...we just want a level playing field*. There is also a query over whether this is a local issue and if so, *has the council got evidence to this effect*.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being 'a compelling local reason not to' accept this change, therefore we will be including these proposals in our final document.

## QUESTIONS

Q. Is there a local problem or is this just red tape?

A. The [DfT Statutory Standards document](#) explains their reasoning behind their recommendations in detail. We are expected to implement the proposals in order to improve consistency in the licensing system as a whole.

Q. Does council have evidence of local issues?

A. These recommendations come from the Department for Transport.

Q. Operators moving to app based booking service - how would this fit in policy?

A. If an operator cannot comply with any of the policy requirements, this can be considered on a case by case basis.

## PROPOSED POLICY CHANGE: ADVICE ON USE OF PSVS (SECTION 9.26)

Participants were asked to indicate how far they agreed or disagreed with the proposed policy change to advice on use of PSVs (section 9.26). Advice for private hire operators about use of PSVs (public service vehicles – these are vehicles with nine to 16 passenger seats) and PCV (passenger carrying vehicle) drivers.

| Advice on use of PSVs (section 9.26) Advice for private hire operators about use of PSVs (public service vehicles – these are vehicles with nine to 16 passenger seats) and PCV (passenger carrying vehicle) drivers |                            |   | Response Percent | Response Total |
|--|----------------------------|---|------------------|----------------|
| 1  | Strongly agree             |  | 44.0%            | 80             |
| 2  | Agree                      |  | 27.5%            | 50             |
| 3  | Neither agree nor disagree |  | 18.1%            | 33             |
| 4  | Disagree                   |   | 0.0%             | 0              |
| 5  | Strongly disagree          |  | 1.6%             | 3              |
| 6  | No comment                 |  | 8.8%             | 16             |
|  |                            |   | answered         | 182            |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a ‘compelling local reason’ why we should not make this change, for the council to consider.

1 participant provided comments to this question, providing 2 individual comments. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type  | Frequency |
|---|-----------|
| More costs, admin and paperwork for no real benefit   | 1         |
| Council interference under guise of public safety causes increase in mental health stress and anxiety | 1         |

This respondent feels that this policy will bring *more unneeded nonsense*.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being ‘a compelling local reason not to’ accept this change, therefore we will be including these proposals in our final document.

## Complaints about licence holders

This section of the consultation asked respondents about the DfT 'Statutory Standards' policies around complaints about licence holders. More information on the consultation was made available via links to our websites.

Participants were asked to indicate how far they agreed or disagreed with the with the proposed change to information for passengers on complaints (section 6.5, Appendix A para 12 and Appendix B para 15). Added new requirement for vehicles to display information for passengers on how to complain directly to the licensing authority.

Overall, the survey output tells us that respondents agree with the proposed policy changes to DfT 'statutory standards' policy around complaints about licence holders.

| Information for passengers on complaints (section 6.5, Appendix A para 12 and Appendix B para 15) Added new requirement for vehicles to display information for passengers on how to complain directly to the licensing authority |                            |   | Response Percent | Response Total |
|---|----------------------------|---|------------------|----------------|
| 1   | Strongly agree             |    | 45.1%            | 82             |
| 2   | Agree                      |    | 32.4%            | 59             |
| 3   | Neither agree nor disagree |    | 8.8%             | 16             |
| 4   | Disagree                   |    | 2.7%             | 5              |
| 5   | Strongly disagree          |    | 3.3%             | 6              |
| 6   | No comment                 |   | 7.1%             | 13             |
| 7   | Email response             |  | 0.5%             | 1              |
|   |                            |   | answered         | 182            |

Where a respondent has disagreed with the proposed policy change above, they were asked to provide a 'compelling local reason' why we should not make this change, for the council to consider.

10 participants provided comments to this question, providing 17 individual comments and questions. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type   | Frequency |
|--|-----------|
| More unnecessary paperwork, waste of time  | 5         |
| Customer could ask driver or find out another way how to make a complaint                    | 4         |
| Could be used to make fake or unfair claims  | 3         |
| Agree if the driver is a sole operator   | 1         |
| Open to fraud without recording equipment  | 1         |
| More information needed about the display information  | 1         |
| Will Executive service licensed private hire vehicles be exempt (linked to plate exemption?) | 1         |

There is a feeling being expressed throughout the comments in this section, including this question, that the proposed polices are a waste of time and will create more unnecessary paperwork. Some respondents don't see the need for displaying information on how to complain, as *anyone who has a real grievance already gets in contact with you*, with the concern here around getting a deluge of complaints e.g. for taxis that are 5 minutes late. Some also suggested that this policy could be used by *opportunist customers to make fake claims*.

Licensing team response:

We considered the comments above by respondents who disagreed with any of the proposed policy changes. They do not fit the condition set by government of being 'a compelling local reason not to' accept this change, therefore we will be including these proposals in our final document.

**QUESTION**

- Q. Will Executive service licensed private hire vehicles be exempt (linked to plate exemption?)
- A. We would apply this requirement to all licensed vehicles.

**Other comments**

The final question in section A asked participants if they had any additional comments on the proposed new policies in section A ('statutory standards' changes) that they would like the council to consider.

59 participants provided comments to this question, providing 74 individual comments. Of these, 26 responders said they didn't have any further comments.

A summary of the key themes emerging from the comments can be found in the table below and the full list of comments is in the appendix.

**Table: frequency of comments raised**

| Comment type   | Frequency |
|--|-----------|
| No further comment                                     | 26        |
| Agree with proposals                                   | 9         |
| Drivers should have better area knowledge              | 3         |
| Customer safety should be a priority                   | 2         |
| Taxis should switch off their engines while stationary | 2         |
| Need a published fair pricing policy                   | 2         |
| Should be applied to existing drivers not just new     | 1         |
| Safeguarding training shouldn't be essential           | 1         |
| Council should help drivers more                       | 1         |
| Drivers need Covid financial grants                    | 1         |
| Need Covid safety requirements                         | 1         |
| Drivers should pass an advanced driving test           | 1         |

|   |   |
|---|---|
| Co-ordinate training with County Council to avoid need for duplicate attendance | 1 |
| Factory fitted tinted windows should be allowed                                 | 1 |
| Specify "in writing" to include email   | 1 |
| Good that requirements are placed on operators as they have equal duty of care  | 1 |
| 2 weeks absence notification too onerous  | 1 |
| Operators should have phone area code local to their drivers knowledge          | 1 |
| Subsidies or more competition required to reduce fares                          | 1 |
| Should use enhanced DBS checks throughout                                       | 1 |
| CCTV needed   | 1 |
| equal opportunities needed  | 1 |
| Taxis use up P&D car park spaces  | 1 |
| Don't add more red tape   | 1 |
| Remove roof boxes from taxis outside of area                                    | 1 |
| Stop attacking taxi industry  | 1 |
| Licence holder details should be visible to passenger                           | 1 |
| Spot checks to confirm driver ID  | 1 |
| Strict checks around safety for young female passengers                         | 1 |
| Local drivers should be enforced  | 1 |
| Change to EVs needed  | 1 |
| Driver good behaviour important   | 1 |
| Taxis should be parked on private land  | 1 |
| Records needed of which vehicle driver used at which time                       | 1 |
| Drivers should hold UK drivers photo licence                                    | 1 |
| More efficient training system needed   | 1 |

The responses to this question covered a wide variety of topics, and very few of them were making the same point, as expected for an “any other comments” question.

9 respondents explained that they agree with or endorse the proposals. One respondent explained that they thought the proposals were overdue and that *any firm/individual has a 'duty of care', so should already be well down this path already.*

Local knowledge was an important issue for three respondents, with one explaining *the amount of times I have had to direct drivers to my destination is not acceptable. I pay for a service and experience which sometimes I do not get.* Related to these comments, another respondent wanted a rule ensure drivers on the ranks in their town should be local as it made them feel safer.

A handful of comments came up twice, like customer safety, which the relevant respondents felt strongly about. One stated that it *should be the number 1 priority*, although this was not mentioned with any reference to a specific policy or process. One respondent was specific that there should be strict safety checks to ensure the safety of young female passengers.

The other comments that came up twice were the need for a published fair pricing policy, and that taxis should not be allowed to leave their engine idling while stationary.

The other comments were a mix of general points about respondent's experiences with taxis in the districts as members of the public, along with specific policy points and suggestions from people who work in the industry.

### Section B: Other proposed changes to the policy

The next sections in the survey for respondents to comment on was section B: other proposed changes to the policy.

The new version of the policy included other changes to develop and maintain professional and respected hackney carriage and private hire trades and to ensure an efficient and quality local transport service. It will also help us support our corporate priorities of tackling the climate emergency and building healthy communities.

The proposed policy changes include:

- DBS and DVLA checks
- Driver standards
- Drivers
- Enforcement
- General
- Operators
- Vehicle criteria

More information on each proposed policy, including the reasoning for introducing it, was made available on our websites.

### DBS and DVLA checks

This section of the consultation asked respondents about the proposed policy changes around Disclosure and Barring Service (DBS) checks and Driver and Vehicle Licensing Agency (DVLA) checks. More information on the consultation was made available via links to our websites.

Participants were asked to indicate how far they agreed or disagreed with the proposed policy changes listed below overall.

**DBS registered body requirements** (section 8.15): Applicants must obtain their DBS disclosure through the relevant council. If an applicant provides a DBS disclosure from another registered body, that body is unable to pass on any 'soft information' disclosed under separate cover, and such information is also not available through the DBS Update Service.

**Random DBS check** (section 8.17): If a driver is given notice to undertake a random DBS check by the council, they must provide all relevant documentation within 14 days of the

request. Failure to do so may result in suspension of the licence. This is being reduced from the current requirement which is 28 days.

**DVLA checks** (section 8.18): Updated section in respect of DVLA checks to reflect change in check procedure, clarify that DVLA photocard must be current and valid and introduce ability for council to undertake random DVLA checks to identify any undisclosed offences.

**How far do you agree or disagree with the proposed policy changes above overall? If you agree with any of the changes more than others, you can let us know using the comment box below.**

|   |                            |   | Response Percent | Response Total |
|---|----------------------------|---|------------------|----------------|
| 1 | Strongly agree             |  | 42.44%           | 73             |
| 2 | Agree                      |  | 40.70%           | 70             |
| 3 | Neither agree nor disagree |  | 6.98%            | 12             |
| 4 | Disagree                   |  | 5.23%            | 9              |
| 5 | Strongly disagree          |  | 2.33%            | 4              |
| 6 | No comment                 |  | 2.33%            | 4              |
|   |                            |   | answered         | 172            |

If respondents agreed with any of the policy changes above more than others, then they had the opportunity to provide comments in a free text box and asked to include the name of the policy change they were commenting on.

25 participants responded to this question, providing 24 individual comments. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type   | Frequency |
|--|-----------|
| Agree with all changes   | 6         |
| I do not agree with reducing random DBS time to 14 days (8.17) | 5         |
| Agree with DVLA checks (section 8.18)                          | 2         |
| Agree with Random DBS checks (8.17)                            | 2         |
| Passenger safety and protection is paramount                   | 1         |
| CCTV (is comment in right place?)                              | 1         |
| Reduce random DBS check to 7 days                              | 1         |
| Council lacks empathy for honest drivers                       | 1         |

|   |   |
|---|---|
| Will a two week holiday be taken into account? (8.17)                                       | 1 |
| Random DBS checks should be funded by council   | 1 |
| I do not agree with providing transparent 'soft' information as could be prejudicial (8.15) | 1 |
| Emissions standards need updating   | 1 |
| Agree with safeguarding checks on previous convictions (DBS)                                | 1 |

Respondents had generally agreed with the proposals overall in the first part of the question. When asked to comment on specific measures they particularly agreed with, the following responses were received (NB: Not all respondents raised comments, some commented on more than one policy and 2 respondents answered with either no, none, N/A or no comment)

6 respondents commented that they agreed with all the proposed changes. One respondent commented: *The checks that are proposed are needed to protect both public and drivers.* Another commented that *these changes seem to be essential and I was surprised they were not current requirements. Well done.*

5 respondents commented that they did not agree with the time period for a random DBS check be reduced from 28 days to 14 days. (Section 8.17). Some said that this would cause delays and possible suspensions for drivers and queried what the issue was with keeping it at 28 days. One respondent suggested that this could be 7 days. Another provided the following: *ultimately reducing time limits etc may focus minds, if there is a legitimate reason why this may not be possible (holiday for 2 weeks for example) I would hope this would be taken into consideration. If not I would disagree and say 28 days seems reasonable.*

## Driver standards

This section of the consultation asked respondents about the proposed policy changes around driver standards. More information on the consultation was made available via links to our websites.

Participants were asked to indicate how far they agreed or disagreed with the proposed policy changes listed below overall.

**Drivers revoked or refused elsewhere** (section 4.3): Any applicants who have had a licence revoked or application refused by any local authority will not be licensed for a minimum of 5 years after the date of revocation or refusal.

**Diabetes and medicals guidance** (section 8.8-8.9): Drivers with diabetes managed by insulin, a sulphonylurea or a glinide will require a specialist annual medical. Licence holders must advise the licensing team in writing within 7 days of any change in their medical condition that may affect their driving capabilities.

**Failure to declare matters on applications** (section 8.12): Applicants must declare any

pending court cases or hearings, and the details of any licences previously held, suspended or revoked. Failure to disclose any information and the making of false declarations will be considered to be an act of dishonesty and may result in the application being refused or licence revoked.

**DVLA disqualifications** (section 8.22): New driver licence applicants who have been disqualified from driving due to motoring offences must have held a full clean licence for 12 months before they can apply.

**Practical driving assessments** (section 8.23-8.24): Requirement for all new driver licence applicants to pass a practical driving assessment before a licence is granted.

**Disability awareness training** (section 8.31-8.32): All applicants for a driver’s licence will be required to pass disability awareness training before a licence will be granted. Once passed, the training must be re-taken every 3 years.

**How far do you agree or disagree with the proposed policy changes above overall? If you agree with any of the changes more than others, you can let us know using the comment box below.**

|   |                            |   | Response Percent | Response Total |
|---|----------------------------|---|------------------|----------------|
| 1 | Strongly agree             |  | 50.00%           | 86             |
| 2 | Agree                      |  | 31.98%           | 55             |
| 3 | Neither agree nor disagree |  | 9.30%            | 16             |
| 4 | Disagree                   |  | 4.07%            | 7              |
| 5 | Strongly disagree          |  | 4.07%            | 7              |
| 6 | No comment                 |  | 0.58%            | 1              |
|   |                            |   | answered         | 172            |

If respondents agreed with any of the policy changes above more than others, then they had the opportunity to provide comments in a free text box and asked to include the name of the policy change they were commenting on.

36 participants responded to this question, providing 48 individual comments. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type       | Frequency |
|--------------------|-----------|
| Agree with changes | 8         |

|   |   |
|---|---|
| Disagree drivers have to re-take disability awareness training (DAT) every 3 years      | 6 |
| Agree with DVLA practical test before licensing a driver                                | 5 |
| Disagree on set time period that driver revoked elsewhere should be allowed to apply    | 4 |
| Disagree with practical driving test  | 4 |
| Disagree with 12 month period after DVLA disqualification                               | 3 |
| Agree with Disability Awareness Training  | 3 |
| Query why diabetes has been specifically mentioned                                      | 2 |
| Holding licence for 10 years should protect me (give 'grandfather' rights)              | 1 |
| Concerned that 1 test at start is not sufficient  | 1 |
| Concern over cost and procedure of driver practical test                                | 1 |
| Agree with DVLA disqualification policy   | 1 |
| Ref accessibility of vehicles   | 1 |
| Agree with Section 4.3 ref drivers revoked or refused elsewhere                         | 1 |
| Ref council penalty points and ability to work  | 1 |
| Disagree with DVLA disqualification period before getting licence - should be longer    | 1 |
| Applicants not UK citizen or indefinite leave to remain should pass spoken English test | 1 |
| It is vital that taxi drivers are good drivers as assessed by the police                | 1 |
| Disagree with additional tests  | 1 |
| Concerned with additional costs   | 1 |
| Would like to see practical training for drivers of accessible vehicles                 | 1 |

Respondents generally agreed with the proposals overall in the first part of the question. When asked to comment on specific measures they particularly agreed with, the following responses were received (NB: Not all respondents raised comments, some commented on more than one policy and 2 respondents answered with either no, none, N/A or no comment.)

Most respondents who provided comments agreed to all of the proposed changes to the policy, saying they are *all excellent proposals* and *very good updates to the existing policy*. One respondent told us *as a potential passenger I will feel reassured that my taxi driver has met stringent standards*.

Some respondents disagreed with the requirement to undergo disability awareness training every 3 years, stating that *After the initial training I should imagine that on-the-job encounters with disabled passengers would be sufficient*.

5 respondents agree with the proposal that new applicants should have to take and pass the DVLA practical driving assessment before being licensed. 4 respondents commented that applicants and drivers should not have to take a practical driving test. One stated that *The DVLA has already passed the driver. Why do they need to be tested again by the Local Authority.* One comment raised questions about the cost; procedure and any right of appeal of taking the practical driving test, while a further comment questioned whether just one initial practical test would be sufficient to maintain standards of driving. Another comment was received stating that the test had little value other than to *simply give another third party the opportunity to profit from the trade.*

There was disagreement from 4 respondents about having a set period of time before an application would be considered after the applicant was revoked with another council: *If someone has refused and revoked a licence elsewhere and they apply for a licence to another council they should be allowed to have the licence if they fulfil the new council requirements for a new licence.* Another said *To ban an applicant because another council has refused them a licence, without looking at the evidence is against the principle of natural justice.*

In relation to the proposal that any applicant who had previously been disqualified by the DVLA for motoring offences should have to have a clean driving licence for 12 months, 3 agreed with this idea, 2 participants thought an applicant should not have to wait 12 months, and 1 that they should be able to apply the next day after their disqualification ends. Another commented that 12 months was too short a period and that it should be longer.

3 respondents agreed that Disability Awareness Training should be included, with one respondent stating *Disability awareness I strongly agree with...discrimination against those with disabilities, including hidden disabilities, simply isn't acceptable.*

The retaking of the training every 3 years was debated, with 6 respondents saying that they disagreed with having to take the training that often, and one saying that taking it every 3 years would be *a waste of time and money.* Suggestions were made for it to be retaken every 5 years with one commenting that this should only occur every five years if the council provides it for free.

### QUESTIONS

Reference: accessibility of vehicles

Q The above where requirements of the drivers. What about the vehicles?

A. Vehicle requirements are detailed in a separate section of the policy, there are no proposed changes to those sections.

Reference: council penalty points and ability to work

Q Not clear on section involving revocation if you tot up 12 council points does this mean you cant work for 5 years

A. A total of 12 points issued on a hackney carriage/private hire licence in any 12 month period will result in consideration of suspension or revocation of the licence.

## Drivers

This section of the consultation asked respondents about the proposed policy changes around drivers. More information on the consultation was made available via links to our websites. Participants were asked to indicate how far they agreed or disagreed with the proposed policy change to new driver licence conditions (Appendix E): Updated driver licence conditions to reflect policy changes, not to allow vehicle engines to idle, not to ‘tout’ for business and to detail requirements in respect of assistance dogs and wheelchair users.

| How far do you agree or disagree with the proposed policy change above? |                            |   | Response Percent | Response Total |
|---|----------------------------|---|------------------|----------------|
| 1   | Strongly agree             |    | 47.37%           | 81             |
| 2   | Agree                      |    | 35.67%           | 61             |
| 3   | Neither agree nor disagree |    | 10.53%           | 18             |
| 4   | Disagree                   |   | 3.51%            | 6              |
| 5   | Strongly disagree          |  | 2.34%            | 4              |
| 6   | No comment                 |  | 0.58%            | 1              |
|   |                            |   | answered         | 171            |

If respondents had any comments on the policy change above, then they had the opportunity to provide comments in a free text box provided.

29 participants responded to this question, providing 31 individual comments. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type  | Frequency |
|---|-----------|
| Agree with idling condition   | 8         |
| Disagree with idling condition as engine needed to keep driver warm | 7         |
| Agree with conditions on carriage of disabled persons               | 5         |
| Agree with changes  | 4         |
| Comment to include Highway code refresher training                  | 1         |
| Poor Highway code compliance in Abingdon                            | 1         |

|  |   |
|--|---|
| What constitutes 'touting'   | 1 |
| Ref council support for assisting drivers to keep warm in cold weather | 1 |
| Touting is an issue that needs preventing                              | 1 |
| Improving environment a key target for council and residents           | 1 |
| Concerned how touting will be policed                                  | 1 |

Respondents generally agreed with the proposals overall in the first part of the question. When asked to comment on specific measures they particularly agreed with, the following responses were received (NB: Not all respondents raised comments, some commented on more than one policy and 2 respondents answered with either no, none, N/A or no comment.)

8 respondents commented that they supported the addition of a condition to prevent idling vehicles. The comments highlighted this issue in Abingdon, Thame and Henley. One responder told us *absolutely no engine idling polluting the pavement near shops*, and another *no idling is essential*.

However, 7 respondents commented that they did not agree with the proposed idling condition, with 6 of them stating that they disagreed as keeping the engine running was necessary to keep the car warm in cold temperatures: *driver can't be expected to sit on the rank for 2-3 hours to wait for a fare in freezing cold weather!* Another respondent made reference to requiring it to 'run' air conditioning.

4 respondents commented that they agreed with all of the proposed changes which are described as *common sense, all excellent proposals and all equally important*. One of the comments stated that *all of these things must be in place before any driver is in contact with the public*.

4 respondents agreed with the updated conditions around carriage of disabled passengers. One respondent commented *disabled passengers should get the best possible experience when travelling, the proposed policies should include detailed instructions for taxi drivers so that passengers inside the taxi and other road users outside the taxi stay safe at all times*.

3 respondents commented on 'touting'. One respondent stated that *you will not be able to police the touting of business...this happens now and there will nothing you can do about it*. and one respondent stated the following: *'Please define "tout" for work, is asking a person that comes near your taxi if they would like a taxi "touting" for work?* One commented that more should be done to stop people from doing it – although this leads to aggression.

## QUESTIONS

Q. Please define 'tout' for work, is asking a person that comes near your taxi if they would like a taxi "touting" for work? What if you are parked on a taxi rank?

A. Under section 167 Criminal Justice and Public Order Act 1994, it is an offence, in a public place, to solicit persons to hire vehicles to carry them as passengers. This is touting. It applies

to both licensed and unlicensed vehicles and whether they are on a rank is not relevant. The passenger will approach the vehicle if they want to take a taxi.

Q. If the driver is sitting in the coke in his car how is he to keep warm what are you doing to help them ?

A. Our understanding is that if a vehicle has been running and is warmed up, there will be enough residual heat in the system to run the heating for approximately 30 minutes.

Idling wastes fuel and burns up oil (longer time leaving your engine running causes more motor oil to be circulated and burned up, so it needs to be replaced more frequently) but on top of the waste of money, it's also an issue since it damages cars:

- idling can cause your head gasket, spark plugs, or cylinder rings to deteriorate and stop working.
- idling does not allow your battery to charge and causes it to strain.

Idling also [damages the health of drivers](#):

- Pollutant levels are often higher inside because cars take in emissions from surrounding vehicles and recirculate them. Levels of some pollutants and toxic compounds can be as much as 10 times higher inside vehicles than alongside the road, and overall air quality can be 15 times worse (especially when they won't be having the windows open since the reason for idling was to keep warm in the first place).

Drivers should be suitably clothed to take account of periods when their vehicle might be stationary for longer periods of time and they can also refer to [this forum for ideas to keep warm when the engine is off](#), for example the possibility of fitting an additional heater into their car to have heating with the car switched off.

## Enforcement

This section of the consultation asked respondents about the proposed policy changes around enforcement. More information on the consultation was made available via links to our websites.

Participants were asked to indicate how far they agreed or disagreed with the proposed policy changes listed below overall.

**Immediate licence revocations** (section 4.6): Added a section to clarify the types of situation where a licence may be immediately revoked.

**Guidance on enforcement** (section 6.3 and 6.4): Updated enforcement section with examples of the scale of actions and detail the responsibilities of licence holders to comply with requests from authorised officers.

**Updated penalty points system** (Appendix G): The penalty points system has been expanded and updated so that it now applies to all licence holders. A system for review of points without the need to refer to the Taxi Licensing Panel has been added. This is to ensure that the Panel can address more serious matters.

How far do you agree or disagree with the proposed policy changes above overall?  
If you agree with any of the changes more than others, you can let us know using the comment box below.

|   |                            |   | Response Percent | Response Total |
|---|----------------------------|---|------------------|----------------|
| 1 | Strongly agree             |  | 40.70%           | 70             |
| 2 | Agree                      |  | 35.47%           | 61             |
| 3 | Neither agree nor disagree |  | 17.44%           | 30             |
| 4 | Disagree                   |  | 1.16%            | 2              |
| 5 | Strongly disagree          |  | 2.91%            | 5              |
| 6 | No comment                 |  | 2.33%            | 4              |
|   |                            |   | answered         | 172            |

If respondents agreed with any of the policy changes above more than others, then they had the opportunity to provide comments in a free text box and asked to include the name of the policy change they were commenting on.

16 participants responded to this question, providing 17 individual comments. 1 respondent answered with none. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type   | Frequency |
|--|-----------|
| Agree with changes   | 2         |
| Would like to see more visible enforcement                             | 1         |
| Want more information on revised points system                         | 1         |
| Agree with restrictions of drivers convicted of drink/drug driving     | 1         |
| Guidance doesn't go far enough   | 1         |
| Agree but panels should not be bypassed                                | 1         |
| Worried regulations turn taxis into a mobile union                     | 1         |
| Penalty points should be subject to a review system                    | 1         |
| Penalty points only to be issued if there was wrongdoing               | 1         |
| Any endorsement must debar any driver from contact with general public | 1         |
| Agree with points system   | 1         |
| Root out the bad drivers to be left with the honest drivers            | 1         |
| Points system unfair as doesn't take into account abusive passengers   | 1         |
| Concerned over additional costs in light of current hardship           | 1         |
| Disagree with English test despite having a CRB                        | 1         |
| Too many points given to drivers                                       | 1         |

There were a wide variety of responses in this section, however, in general there was agreement with the use of a points system for enforcement. Only one respondent thought the points system was unfair, stating *it doesn't account for people who are under the influence of alcohol or drugs who abuse drivers*. Others did not disagree with a points system but wanted to ensure there was a *review process to ensure consistency and a level playing field* and that *points should only be placed on a licence if there was wrongdoing*.

One respondent stated that *drivers convicted of driving under the influence of drink or drugs should not be able to obtain a licence at all*.

### General

This section of the consultation asked respondents about the proposed policy changes around general changes. More information on the consultation was made available via links to our websites.

Participants were asked to indicate how far they agreed or disagreed with the proposed policy changes listed below overall.

**Guidance on incomplete applications** (section 3.3): Any application that is not completed within 6 months may be treated as withdrawn. This is to ensure all evidence and checks (e.g. DBS and medical) remain valid.

**Updating email addresses** (section 5.1): Add a requirement for all licence holders to update any changes of email address to allow greater use of email contact.

**Notification of holidays** (section 5.2): Recommendation that licence holders confirm if they are going away for more than 2 weeks, to help avoid unnecessary suspension of licences where items expire while licence holders are away.

**Guidance on knowledge tests** (section 8.27-8.30): Amendments to knowledge test section to allow for use of third party providers for delivery of tests, reduce the number of times an applicant may sit a test in a 12 month period to prevent repeated failures blocking spaces for new candidates, introduce a minimum cancellation period, and add guidance for candidates with a disability.

**E-cigarettes and vaping** (Appendix A para 17 and Appendix B para 18): Drivers and passengers will not be allowed to use electronic cigarettes or so called 'vaping' equipment in licensed vehicles. The risks from 'vaping' are still unknown and unnecessary exposure can be avoided.

**Lost property** (Appendix A para 34 and Appendix B para 41): The proprietor or driver of a licensed vehicle must report any lost property found in the vehicle to Thames Valley Police in accordance with current procedures, if they are unable to contact the passenger directly. Change in lost property procedure at Thames Valley Police.

**HCs (hackney carriages) to record pre-booked journeys** (Appendix A para 39-40):

Introduce requirement for hackney carriage proprietors to record all pre-booked journey details and make such details available for inspection. This is to ensure checks can be made that vehicles are operating in line with policy and to assist in respect of investigations into complaints and similar matters.

**How far do you agree or disagree with the proposed policy changes above overall? If you agree with any of the changes more than others, you can let us know using the comment box below.**

|   |                            | Response Percent  | Response Total |
|---|----------------------------|---|----------------|
| 1 | Strongly agree             |  | 41.28%<br>71   |
| 2 | Agree                      |  | 40.70%<br>70   |
| 3 | Neither agree nor disagree |  | 9.88%<br>17    |
| 4 | Disagree                   |  | 4.07%<br>7     |
| 5 | Strongly disagree          |  | 2.91%<br>5     |
| 6 | No comment                 |  | 1.16%<br>2     |
|   |                            | answered  | 172            |

If respondents agreed with any of the policy changes above more than others, then they had the opportunity to provide comments in a free text box and asked to include the name of the policy change they were commenting on.

23 participants responded to this question, providing 25 individual comments and questions. 1 respondent answered with none. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: Frequency of comments raised**

| Comment type  | Frequency |
|---|-----------|
| Disagree with notifying holidays over 2 weeks                           | 6         |
| Agree with all  | 5         |
| Disagree with hackney carriages recording bookings                      | 4         |
| Agree with banning vaping/e-cigs  | 3         |
| Agree with notifying holidays over 2 weeks                              | 1         |
| Agree with reporting lost property to police                            | 1         |
| Disagree with banning vaping/e-cigs                                     | 1         |
| Strongly disagree with all  | 1         |
| Licensing should have a time frame for processing applications          | 1         |
| Application not complete within 3 months should be treated as withdrawn | 1         |
| Reduce time limit for completing applications to less than 6 months     | 1         |

The most responses in this section were in respect of the suggestion drivers should contact the council when going away for more than two weeks with one stating, *this is going to be another worry added before going anywhere*. 6 respondents disagreed with this while only one agreed with it. A couple of the respondents made a suggestion that the time period should be extended so that drivers should notify the council if away for more than 4 weeks as *more realistic*, and another suggested *perhaps make this 6 weeks*.

Although 3 respondents agreed with banning vaping/e-cigarettes in licensed vehicles, one respondent was quite firmly against the banning, and stated *“Have you actually researched vaping? Can you show the evidence to show it is harmful and thus should be banned? Is this just based on the fact it looks like smoking?”*

A couple of respondents were in favour of a set time period lower than six months for an applicant to complete their application, and one pointed out that the Licensing Team should also have a target time frame for processing applications.

Four respondents disagreed that hackney carriages should keep a record of pre-bookings, one pointed out this was not a legal obligation and one felt that they could not do this as *“not everyone has an email address or access to a computer”*.

## QUESTION

Q Have you actually researched vaping? Can you show the evidence to show it is harmful and thus should be banned? Is this just based on the fact it looks like smoking? Sugary drinks have certified research that shows they are bad for your health, will these also be banned from taxis? Surely children being exposed to the brands in the vehicle could tempt them to try one and thus be bad for their health. Where is this nanny state going to end?!

A. The aim of this proposal was to make the licensed vehicle a pleasant environment for the customer, without the strong smells that can be associated with vaping. In addition, there is a danger that exhaled vapour could obstruct the driver’s view and distract their concentration and focus from the road.

## Operators

This section of the consultation asked respondents about the proposed policy changes around operators. More information on the consultation was made available via links to our websites.

Participants were asked to indicate how far they agreed or disagreed with the proposed policy changes listed below overall.

**Knowledge test for operators** (section 9.9): Requires all new private hire operator licence applicants to pass the knowledge test (except those already licensed as drivers who have taken the test). This aims to ensure operators have sufficient knowledge of the area, laws and legislation.

**Disability awareness training** (section 9.15-9.17): All applicants for a private hire operator’s licence and all staff taking bookings and dispatching work will be required to pass disability awareness training before a licence will be granted. Once passed, the training must be re-taken every 3 years.

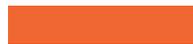
**Public liability insurance requirements** (section 9.22): Add requirement for private hire operators with a premises open to the public to have minimum £5m public liability insurance.

**Guidance on moving to new base** (section 9.24): Private hire operators who propose to change their base must obtain, prior to commencing taking bookings, a licence to operate from the new address.

**Trading names** (section 9.27): A private hire operator shall only use trading or company name(s) that are included on the operator licence, or other trading name(s) approved by the council in writing.

**New operator licence conditions** (Appendix D): Added a separate section for private hire operator licence conditions. This includes new requirements to report complaints to the council, guidance on bookings with assistance dogs and the use of approved trading names.

**How far do you agree or disagree with the proposed policy changes above overall? If you agree with any of the changes more than others, you can let us know using the comment box below.**

|   |                            | Response Percent  | Response Total |
|---|----------------------------|---|----------------|
| 1 | Strongly agree             |  | 45.56%<br>77   |
| 2 | Agree                      |  | 37.87%<br>64   |
| 3 | Neither agree nor disagree |  | 8.28%<br>14    |
| 4 | Disagree                   |  | 3.55%<br>6     |
| 5 | Strongly disagree          |  | 2.96%<br>5     |
| 6 | No comment                 |  | 1.78%<br>3     |
|   |                            | answered  | 169            |

If respondents agreed with any of the policy changes above more than others, then they had the opportunity to provide comments in a free text box and asked to include the name of the policy change they were commenting on.

25 participants responded to this question, providing 29 individual comments. 1 respondent answered with none. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: Frequency of comments raised**

| Comment type  | Frequency |
|---|-----------|
| Disagree with disability awareness training being renewed every 3 years | 4         |
| Local knowledge covered by SatNav                                       | 3         |
| Disagree with operators/staff doing awareness training                  | 3         |
| Agree with proposals  | 3         |
| Liability insurance coverage level too high                             | 2         |
| Disagree with local knowledge test for operators                        | 2         |
| Disagree having to pay for awareness training                           | 1         |
| Agree with all trading names needing to be named on licence             | 1         |
| Liability insurance coverage level too low                              | 1         |
| Agree with proposals for disability awareness training                  | 1         |
| Disagree with all proposals   | 1         |
| Disability awareness training should not be a requirement               | 1         |
| Content of training should be set by district council                   | 1         |
| Anyone handling passenger details should have enhanced DBS              | 1         |
| Want a different method of ensuring disability awareness                | 1         |
| Measures should be in place to avoid phoenixing of companies            | 1         |
| SatNav should be required equipment                                     | 1         |
| Query over who would sit knowledge test in a large limited company      | 1         |

4 responders disagreed with the proposal for disability awareness training to be re-taken every three years. Comments included, *what are the new disabilities discovered in the last 3 years?* Another thought *It was so basic it's not required every 3 years*. One responder went further stating *I also think disability training is pointless*.

3 responders disagreed with operators or office staff needing to undergo safeguarding training or the knowledge test, with comments such as *I feel only drivers must be the ones taking knowledge test as well as disability & safeguarding training leaving out admin staff* and *What is your justification for booking staff to undertake these two courses?*.

However, one person stated they agreed with disability awareness being a requirement, another agreed with it being a requirement but *the training should not have to be at the operator's cost*.

In respect of knowledge tests, a number of people suggested that there should be no requirement for local knowledge of the district as this is easily accessible via smartphones and SatNavs. Comments included, *can you please remove map reading from the knowledge test. The rest should be reflective of the actual job. I don't know a single taxi driver who carries a map and Sat nav equipment renders local knowledge redundant*. Another stated that a SatNav should be a required piece of equipment in licensed vehicles.

Two responders thought the proposed amount of coverage for operators with a public premises was too high, while one thought it was too low.

## Vehicle criteria

This section of the consultation asked respondents about the proposed policy changes around vehicle criteria. More information on the consultation was made available via links to our websites.

Participants were asked to indicate how far they agreed or disagreed with the proposed policy changes listed below overall.

**Vehicles licensed elsewhere** (section 7.4): Clarify that vehicles will only be considered for licensing if they are not already licensed by another licensing authority. A vehicle will only be licensed by one authority at a time as two plates would be confusing for the public.

**Vehicles that have been written off** (section 7.13): The councils will not license vehicles that have been classified as category 'A' (whole vehicle to be crushed), 'B' (body shell to be crushed) or 'S' write offs (structural damage). This is to ensure all vehicles are of a high quality and meet the original, statutory safety standards.

**Vehicle emissions requirements by 2022 and 2026** (section 7.17): From 1 April 2022 proprietors will be required to have vehicles of at least Euro 4 standard to renew their licence; and Euro 4, Euro 6 or zero-emission capable to receive a new licence. From 1 April 2026, proprietors will be required to have vehicles of at least Euro 6 standard to receive a new or renewed licence. This is with a view to the aspiration for all licensed vehicles to be zero carbon by 2030 at the latest in response to the Climate Emergency declared by both councils.

**Approval of adverts on vehicles** (section 7.31 and Appendix J): Allows for the councils to introduce an approval system for advertisements on licensed vehicles, with a fee to cover the cost of considering any such applications.

**Compliance test requirements** (section 7.47): Where a temporary vehicle licence has been granted due to the original vehicle being subject to accident damage or mechanical breakdown, a new compliance certificate will be required for the previous vehicle. This is to ensure vehicles returning to use after repair are mechanically fit to be used as licensed vehicles.

**Removal of minimum engine capacity** (Appendix A and Appendix B para 1): Removed minimum engine capacity to reflect modern automotive technology and reduced vehicle emissions, allow for solely-electric vehicles to be licensed.

**Clarification of tinted windows requirements** (Appendix A and Appendix B - Para 2): Amended tinted windows specification and require all licensed vehicles (except PHVs with a plate exemption) to comply with the tint requirement. Existing licensed vehicles with factory/manufacture tinted glass will be allowed to continue being licensed, but those with a tinted film fitted will need to have the film removed from the vehicle.

**Taximeter requirements** (Appendix A para 5 and Appendix B para 6): Clarify that meters should be tested for two tariffs over the measured mile, waiting time charge tested when the vehicle is stationary, and all meters to have an intact tamper proof seal.

**Items to be carried in the vehicle** (Appendix A para 6 and Appendix B para 7): The requirement to carry a bulb kit and fire extinguisher have been removed. All equipment must now be marked with the vehicle plate number to ensure that it remains in the nominated vehicle at all times.

**Setting a tariff in South Oxfordshire** (Appendix A para 18): Both councils will set a maximum hackney carriage tariff. Setting a maximum tariff protects the public and ensures consistency while still allowing competition between companies. New style meters reduce fraud risks. Only four councils in the country do not set a tariff.

**How far do you agree or disagree with the proposed policy changes above overall? If you agree with any of the changes more than others, you can let us know using the comment box below.**

|   |                            |   | Response Percent | Response Total |
|---|----------------------------|---|------------------|----------------|
| 1 | Strongly agree             |    | 45.35%           | 78             |
| 2 | Agree                      |    | 35.47%           | 61             |
| 3 | Neither agree nor disagree |    | 8.14%            | 14             |
| 4 | Disagree                   |    | 5.23%            | 9              |
| 5 | Strongly disagree          |   | 4.65%            | 8              |
| 6 | No comment                 |  | 1.16%            | 2              |
|   |                            |   | answered         | 172            |

If respondents agreed with any of the policy changes above more than others, then they had the opportunity to provide comments in a free text box and asked to include the name of the policy change they were commenting on.

53 participants responded to this question, providing 69 individual comments. 1 respondent answered with none. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type   | Frequency |
|--|-----------|
| Higher emissions standards should be brought in quicker  | 6         |
| Agree with emissions proposals                           | 5         |
| Agree with proposals                                     | 4         |
| Disagree with council setting tariff                     | 4         |
| Concerned over tariffs, how they will be set and managed | 4         |
| Disagree with emissions being a factor                   | 3         |
| Disagree with bulb kits being needed                     | 3         |
| Agree with idling restrictions                           | 3         |
| Disagree with council reviewing advertising on vehicles  | 3         |

|   |   |
|---|---|
| Want fire extinguishers to be mandatory   | 3 |
| All factory fitted tints should be accepted   | 2 |
| Should be incentives to switch to more efficient vehicles                             | 2 |
| Agree with council setting tariff   | 2 |
| Disagree with vehicles that have been written off not being considered for licensing  | 2 |
| Disagree with vehicles that are licensed elsewhere not being considered for licensing | 2 |
| Operators should be allowed to operate either side of a district border               | 2 |
| Concerned over additional costs of meeting emissions requirements                     | 1 |
| Disagree with requirement to mark equipment   | 1 |
| Taximeters should be tested monthly   | 1 |
| Vehicles with tinted windows should have CCTV   | 1 |
| Should have subsidised fares in areas with no other public transport                  | 1 |
| Disagree with fire extinguishers being mandatory                                      | 1 |
| Bulb kit should be carried  | 1 |
| Spare wheel or puncture kit should be carried   | 1 |
| Tariff should be regularly reviewed if brought in                                     | 1 |
| Should be an appeal system for taxis overcharging                                     | 1 |
| Need clarification on what types of damage warrant vehicle getting compliance tested  | 1 |
| Agree with drivers revoked elsewhere not being considered for licensing               | 1 |
| Need charging points in suitable locations to encourage electric vehicle switch       | 1 |
| Agree with changing to newer vehicles   | 1 |
| Vehicles should carry high-viz clothing   | 1 |
| Not all vehicles capable of carrying a spare wheel                                    | 1 |
| Taximeters should be set and sealed at council set tariff                             | 1 |
| Want to see more enforcement  | 1 |
| Getting bored now   | 1 |

This question received a wide variety of comments to the many proposed policy changes around vehicle criteria. 4 people indicated they agreed with all the proposals in this section.

11 responders agreed with the proposals in relation to **emissions** with 6 of them thinking the requirements could be brought in even quicker than proposed. Comments made include, *Euro 6 requirement should be mandatory by 2024 for all vehicles* from one responder. Those who thought the policy should go further said: *Vehicle emissions requirements don't go far enough. All licensed vehicles must meet the euro 6 requirement by April 2022* commented one, and *The vehicle emissions criteria should be tighter and come in at an earlier stage for diesel vehicles, in particular, owing to their generation of significantly worse air pollution.*

Another responder praised the emissions policy saying *Very happy to see you responding to the climate emergency with the change to vehicle emissions and removal of min engine capacity to allow for electric vehicles.*

3 responders mentioned engine idling, agreeing that there should be restrictions to aid in meeting pollution targets. 2 responders mentioned incentives in respect of encouraging a switch to efficient vehicles, with lower fees being suggested.

In contrast, 3 responders did not think emissions should be considered a factor, with a comment from one saying *“Vehicle emissions requirements should not be increased. The validity of a climate change emergency is disputed”*. One responder also mentioned that costs of a vehicle meeting the emissions standard was a concern.

In respect of **tariffs**, 4 responders disagreed with the proposal to introduce a tariff in South Oxfordshire, and a further four expressed concerns about setting and managing a tariff should one be brought in. Comments made include, *I don't agree with the Council setting a maximum tariff. Market forces will determine what customers will pay* from one respondent, and from another, *For a council to start to start dictating to local businesses the maximum that they can charge for a service is a massive imposition on the business owner and their employees.*

Two responders agreed with setting a tariff stating *It's about time the council sets a fare tariff for the meter and Setting maximum tariffs is essential as there are some operators currently in Thame who will take advantage of vulnerable people and charge more accordingly.*

Further comments on tariffs include that they should be tested monthly, that any tariff set should be regularly reviewed and that if a tariff is set all meters should be set and seals at the council tariff level. One person said there should be a system of subsidised fares in areas with no other public transport.

In respect of required **equipment** there were some contrasting opinions provided. Some responders disagreed with certain equipment being mandatory, *The matter...of spare bulbs and fire extinguishers should, surely, be left to common sense* and from another, *A high percentage of modern vehicles no longer come with storage for a spare wheel.* Others agreed, saying *I think a fire extinguisher should still be carried and I think all should carry bulb kit fitting tools fire extinguisher and spare wheel/ puncture kit and we believe that a licenced vehicle should carry at least three Hi Viz items of clothing, allowing the driver and at least two passengers some protection.*

3 responders disagreed with the proposal for the licensing authority having approval of **advertising** on licensed vehicles. Responders questioned why the local council needed to be involved: *why should the council be approving adverts? they just need to comply with normal advertising standards.*

## QUESTIONS

Q. Who is even moaning about this? Who actually wants a tariff? Is this just another exercise for the council to increase red tape where none is required?”

A. The council made this proposal as it has received complaints about fares in the South Oxfordshire area and the lack of clarity this provides to customers.

Q. How would any proposals cover a call out fee? Would this be calculated from the nearest VOWH area or would the bookings system need to overlook those drivers which would have a disastrous impact on dead miles and therefore carbon footprint and driver earnings.

A. If the council decides to implement a tariff, a separate consultation will be carried out to capture views on what needs to be taken into consideration.

## Other comments

The final question in Section B asked participants if they had any additional comments on the proposed new policies that they would like the council to consider.

39 participants responded to this question, providing 31 individual comments. 11 respondents answered with either no, none, N/A or no comment. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type  | Frequency |
|---|-----------|
| Agree with changes                                    | 4         |
| If requirements are too strict drivers will not apply | 3         |
| Too much bureaucracy                                  | 3         |
| Disagree with tariff change                           | 2         |
| Agree with driver holding current licence             | 1         |
| Driver licence should have photo and be visible       | 1         |
| Taxis should have a standard colour scheme            | 1         |
| Restrict the number of taxis                          | 1         |
| No changes are needed                                 | 1         |
| More spot checks are needed                           | 1         |
| Agree with disability awareness training              | 1         |
| Need infrastructure for electric vehicles             | 1         |
| Taxis should take more care when overtaking cyclists  | 1         |
| Make the emissions changes happen earlier             | 1         |
| Drivers with more than one name should be banned      | 1         |
| Disappointed with the policy document                 | 1         |
| Policy review should not be done during lockdown      | 1         |
| Passenger safety paramount                            | 1         |
| Does not feel comments will be taken into account     | 1         |
| Requirements should apply to all licensed drivers     | 1         |
| Guidance on covid should be included                  | 1         |
| Too many changes                                      | 1         |
| Cannot afford a newer vehicle                         | 1         |

There were a wide variety of responses in this section, as is to be expected by an ‘any other comments’ box. These range from a suggestion there should be some guidance on the policy

on Covid-19 requirements, and one that the policy review should not be taking place during a period of national lockdown. One respondent felt that their comments would not be taken into account as *no one listens so it will be pointless*.

3 respondents were of the view that the policy may make it harder to operate a licensed vehicle and suggested that bureaucracy should be reduced, *My feeling is that you are trying to reduce the amount of new entrants and current drivers by extreme policing of the system , Getting a Taxi in Abingdon is difficult at the best of times , if drivers are not incentivised they will not apply*.

1 respondent suggested the council should also consider a single livery for licensed vehicles, suggesting *For added safety, could all taxis operating in the area have a standard colour scheme. As a female, I then know that I am getting into an authorised taxi*. Another suggested that more spot checks should be done.

Relating to the vehicle emissions proposals, 1 respondent pointed out *Regarding electric cars by 2030 there needs to be the infrastructure in place to support such a network and this needs to be thought out* and another respondent said *the emissions restrictions should be made tighter sooner, with only Euro 6 or better allowed to renew or obtain a new licence, from April 2022, and with only zero-emissions vehicles able to renew or obtain a new licence, from April 2026*.

### **CCTV in licensed vehicles**

This section of the consultation asked respondents their views about CCTV in licensed vehicles. The consultation did not include any requirements for CCTV to be installed in licensed vehicles in the draft new policy and the council wanted to know what respondents thought of this.

The Department for Transport has concerns about CCTV being made a mandatory requirement because of the potential privacy issues for passengers. We would therefore need strong reasons to make it a requirement to have CCTV in all licensed vehicles. Respondents were asked to let us know if they believed there were any specific reasons in our districts that CCTV in licensed vehicles would have a positive or a negative effect on the safety of taxi and private hire vehicle users.

We have not included any requirements for CCTV to be installed in licensed vehicles in our draft new licensing policy and we would like to know what you think about this. The Department for Transport has concerns about CCTV being made a mandatory requirement because of the potential privacy issues for passengers. We would therefore need strong reasons to make it a requirement to have CCTV in all licensed vehicles. Can you please let us know below if you believe there are any specific reasons in our districts that CCTV in licensed vehicles would have a positive or a negative effect on the safety of taxi and private hire vehicle users.

|   |  |   | Response Percent | Response Total |
|---|--|---|------------------|----------------|
| 1 | I don't have any comments (and agree that use of CCTV should not be a requirement) |  | 47.90%           | 80             |
| 2 | I would like to comment on why I think the use of CCTV should be required          |  | 29.34%           | 49             |
| 3 | I have no opinion on this  |  | 22.75%           | 38             |
|   |  |   | answered         | 167            |

67 participants responded to this question, providing 100 individual comments.

1 respondent answered with none. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised to CCTV in licensed vehicles question**

| Comment type                                   | Frequency |
|--|-----------|
| Agree with CCTV                                | 39        |
| Concerned about invasion of privacy            | 13        |
| Concern about cost                             | 6         |
| Could assist police                            | 5         |
| Should be optional to fit                      | 5         |
| Not concerned about invasion of privacy        | 5         |
| Should be passenger choice to use it           | 3         |
| Disagree with CCTV                             | 2         |
| Council should pay                             | 2         |
| Only police and council to access footage      | 2         |
| Use outward facing dashboard camera with audio | 2         |
| Use dashboard camera                           | 2         |
| Only police to access footage                  | 2         |
| Could be a USP for taxi                        | 2         |
| Need a printed warning if fitted               | 1         |
| Concern over GDPR compliance                   | 1         |
| Could protect vulnerable                       | 1         |

|  |   |
|--|---|
| Mandatory for school transport to protect driver | 1 |
| Should not be able to be switched off if present | 1 |
| Should be audio and video                        | 1 |
| Implement for new and stagger for renewals       | 1 |
| Should be managed by licensed third party        | 1 |
| Could be advantages but needs more detail        | 1 |
| Safety   | 1 |

Although a high number of respondents agreed overall with the proposal, there were no specific local reasons or examples given in any of the responses. Of the 39 respondents who expressed agreement, reasons given included 25 who mentioned that CCTV would protect both driver and passenger, 7 who stated it would protect passengers, and 2 who mentioned it would protect drivers.

13 respondents were concerned about a potential invasion of privacy and 1 felt it should be able to be switched off; whereas 5 respondents stated they were not concerned about invasion of privacy and 1 said it should not be able to be switched off.

A few of the comments raising concerns about the use of CCTV included references to both cost and passenger privacy, *it's just another added cost to what is already an expensive process to get a license. I think CCTB would make the public very uncomfortable, and breach their privacy.* Another commented that they it could be voluntary: *not sure our customers will like to be filmed. Some have already commented on the dash cam filming them. Voluntary CCTV maybe*". Another felt it might be like spying: *I do not wish to be spied on if I am using a taxi or private hire vehicle.*

Some of the comments which were more positive include: *Although the presence of CCTV would raise privacy issues for passengers, I feel these would be outweighed by the increased safety that CCTV would afford to both passengers and driver alike and we would like to see that over the next 5 years CCTV monitoring inside and outside of taxis be made mandatory to battle crime and also protect both the Driver and Passenger...We propose that this be mandatory for newly issued plates and staggered for existing renewals.*

Some of the respondents were more in favour of encouraging it as an option, which could be a selling point for customers to use that particular firm or vehicle. One comments on the lack of audio when filming, *It's silent, so cannot record conversations...I do think recordings have the potential to make it safer.* Another commented that some passengers would prefer to use taxis that had CCTV installed, *there seems no reason why all taxis should be required to have CCTV, but if individual passengers prefer it...it could be provided in some vehicles as an option, and the passenger's preference stated at the time of booking.*

## Anything else

This was the last opportunity for respondents to provide any additional comments on the proposed new policy that they would like the council to consider.

46 participants responded to this question, providing 81 individual comments. 11 respondents answered with either no, none, N/A or no comment. A summary of the key themes emerging from the comments can be found in the table below. The full list of comments can be found in the appendix.

**Table: frequency of comments raised**

| Comment type   | Frequency |
|--|-----------|
| Agree with policy  | 7         |
| Stop taxi idling   | 3         |
| Accepting card payments should be mandatory  | 2         |
| Reduce licence fees for electric and hybrid vehicles   | 2         |
| Consider age limit for vehicles  | 2         |
| Review Vale tariff   | 2         |
| Process should be simple and free of red-tape  | 2         |
| Should make GPS mandatory to track speed/location  | 2         |
| Licensing team have not engaged with trade   | 2         |
| How would tariff cover call out fee?   | 1         |
| Consider importance of taxis as public transport when setting tariff                         | 1         |
| Tariff needs to have clear policy and ensure minimum wage after costs                        | 1         |
| Policy should have Covid guidance  | 1         |
| Taxis should be able to carry cycles   | 1         |
| Disagree with CCTV   | 1         |
| Taxi companies should have an office in local area   | 1         |
| Courses achieve nothing and are unnecessary cost   | 1         |
| Removing tinted windows is unnecessary cost and may damage vehicle                           | 1         |
| Taxis in car parks should pay for a parking ticket   | 1         |
| Remove map reading from knowledge test   | 1         |
| Changes may create more work for drivers and council officers                                | 1         |
| Feels policy is an attack on the taxi trade and pointless                                    | 1         |
| Make it cheaper for passengers to use energy efficient vehicles                              | 1         |
| Supports making rules tighter for passenger safety   | 1         |
| Public need to know how to make complaints   | 1         |
| Council should have system to send out info and drivers can log in and report changes online | 1         |
| Policy is making life easier for officers  | 1         |
| Extending powers and trade unable to challenge   | 1         |
| Are we doing enough to increase standards  | 1         |
| CCTV should become mandatory   | 1         |
| Increase in consumer confidence outweighs costs to operators                                 | 1         |
| Driver phones should divert to voicemail when vehicle in motion                              | 1         |

|   |   |
|---|---|
| Should be mandatory dress code for drivers  | 1 |
| Should have notice in vehicle identifying driver  | 1 |
| Councils should have public list of drivers and vehicles  | 1 |
| Agree with practical driving assessment   | 1 |
| Agree with DBS checks for operator staff  | 1 |
| Agree with safeguarding training but consider online or only when changes made                              | 1 |
| Emissions changes to happen sooner  | 1 |
| Clear operator inspection programme should be introduced  | 1 |
| Amend wording where it mentions guide dogs  | 1 |
| Council should publish number of medical exemptions from carrying assistance dogs                           | 1 |
| Licensing team has lost sight of policy aim to provide good quality taxi service                            | 1 |
| Merging councils would benefit the trade and customers  | 1 |
| Council should consider having a solely private hire (PH) driver badge                                      | 1 |
| The council should be prepared to help protect drivers from abusers   | 1 |
| Where in the policy does the council address supply and demand? No public taxi rank in Didcot               | 1 |
| Council should support service providers who offer services in rural locations and disabled access          | 1 |
| Is there a right of appeal for licensees when council departs from policy                                   | 1 |
| Is the council obliged to inform all licence holders of changes that will affect them?                      | 1 |
| Policy does not set out how the costs of licensing are calculated or specified                              | 1 |
| Enforcement should look to target unlicensed persons  | 1 |
| Is the enforcement policy a public document?  | 1 |
| What is the councils record on enforcement?   | 1 |
| How many illegal, unlicensed operators has it prosecuted in the last five years?                            | 1 |
| How can limited companies who rent out vehicles be vehicle licence holder?                                  | 1 |
| Objects to private hire vehicle plate exemption, all vehicles should display plate                          | 1 |
| All medicals should be done by driver's own GP with access to medical records                               | 1 |
| Operator base should not be only location where bookings are accepted (home working better for environment) | 1 |
| Tape should be able to be used to attach plates   | 1 |
| Trailer use should be banned  | 1 |
| Consider an approved list of wheelchair accessible vehicles (WAV) modifiers                                 | 1 |
| Remove 'executive vehicle' from section on 'special vehicles' in Appendix B                                 | 1 |
| Support trading name on roof sign   | 1 |
| Policy takes no account of impact of major changes  | 1 |

|  |   |
|--|---|
| Policy gives no consideration to service quality, driver safety/livelihood, environmental impact | 1 |
|--|---|

7 responses in this section expressed broad agreement to the new licensing policy overall, stating they are *very good, sensible proposals*, that they *should have been done long ago* and one said *glad to see these updated policies, thank you*.

Other responses in this section that received multiple responses were 3 supporting prevention of taxis idling, and 2 each for making it mandatory for taxis to accept card payments, reducing licence fees for electric and hybrid vehicles, considering an age limit for vehicles, reviewing the Vale tariff, reducing red tape, and introducing a requirement for GPS tracking to monitor vehicle location and speed if complaints are received.

All other responses were unique, although some of the responses mentioning the tariff mention the minimum wage and the need to consider the driver ability to make a living which are clearly related.

There were some responses that were negative about the policy, seeing it as an attack on the trade, and one said there had been no engagement over the proposed policy. There were however comments of a different view that supported making the rules tighter for public safety, that the changes do not go far enough and suggest additional proposals such as a driver dress code, and making GPS in licensed vehicles mandatory – the latter of these responses states *We are aware that updating technology does come at a cost to the Operator, as we have experienced in the past when improving our systems. However the benefits have also seen us secure more customers as they feel safer and there is more transparency in the way in which we operate. We feel that the increase in consumer confidence outweighs the costs, which should be reflected in the proposed tariff changes*.

In addition, one suggested the current exemption from displaying the plate for some vehicles should be abolished for safety reasons, with the following comments given as reasoning, *Contract is a vague description. Very few customers provide a written contract with suppliers (unlike in the 1970s/80s); This is mainly an ‘aesthetic’ wish on behalf of certain operators rather than being driven by client demand; The policy makes it far harder to identify unlicensed vehicles, particularly now other operators are no longer able to freely consult the council register of licences; the vast majority of unlicensed operators/vehicles in the trade focus on executive work, making less visible than local service providers; and It allows a licenced vehicle to do regular taxi work for 25% of the time in a fashion deemed not acceptable to other licenced vehicles*.

There was a suggestion the councils should find ways to support those service providers who offer services in rural locations and provide disabled access. There was also a request that the councils should publish the number of drivers with medical exemptions from carrying assistance dogs.

One suggestion was that the council should have an online system through which they could send out information to drivers, and that the drivers could use to log in and make changes online.

One respondent raised that the policy should set out how the costs of licensing are calculated for the purpose of fee setting.

## QUESTIONS

Q. Is the council obliged to inform all licence holders of changes that will affect them? Does this also include third party policies that the council states that it will follow under its own policy?

A. Any changes which would be likely to impact on licence holders can be communicated through our regular email newsletter.

Q. Is the enforcement policy a public document?

A. Yes, this is available on both council websites. It was published in October 2015.

Q. What is the councils record on enforcement?

A. We would need clarification of what information is requested in order to answer this question.

Q. How many illegal, unlicensed operators has it prosecuted in the last five years?

A. We have not taken any prosecutions in the last five years for persons for unlawfully accepting bookings without a private hire operator licence. We have prosecuted for other licensing offences.

Q. How can limited companies which rent out vehicles be vehicle licence holder?

A. Under section 80 of the Local Government (Miscellaneous Provisions) Act 1976 it is a legal requirement that the proprietor of a vehicle is the one who should apply for and hold the licence. In the same legislation, where a vehicle is the subject of a hiring agreement or hire purchase agreement, the proprietor is defined as being is the person in possession of the vehicle under that agreement.

Q. How can you monitor and assure safe usage of trailers? Where would you get the trailer inspected?

A. The policy would require the vehicle to meet the Road Vehicles (Construction and Use) Regulations 1986. We have not outlined a requirement for trailers to be inspected.

Q. How would you define an 'executive vehicle' that does not fall into the standard licensing class?

A. This terminology shall be removed from the section on 'special vehicles' as it does not have a clear definition and the other examples provided in the section are sufficient.

Q. How do you define 'post manufacture' regarding accessible vehicle specification?

A. We would define this as being modifications made at a later stage, i.e. not during the process of manufacturing the vehicle, for example a vehicle that was not originally designed for the carriage of wheelchair users.

Q. Where in the policy does the council address supply and demand? No public taxi rank in Didcot

A. If we became aware of demand for an additional rank – such as a request from residents for an additional rank or more rank spaces, this would be something we would work on with Oxfordshire County Council Highways.

Q. Is there a right of appeal for licensees when council departs from policy?

A. Where the council makes a decision on a licence, the applicant is advised of their right of appeal in the notice confirming the decision. The specific rights of appeal vary, depending on the type of decision made. There is also the right for a claimant to challenge the lawfulness of a local authority decision by way of judicial review.

## And Finally...

The final question in the survey asked respondents how they heard about the consultation.

| How did you hear about this consultation? Tick all that apply. |  |   | Response Percent | Response Total |
|--|--|---|------------------|----------------|
| 1  | District council website                       |  | 6.98%            | 12             |
| 2  | Email  |  | 69.77%           | 120            |
| 3  | Facebook                                       |  | 6.40%            | 11             |
| 4  | Read it in the newspaper (online or hard-copy) |  | 4.07%            | 7              |
| 5  | Twitter  |  | 0.58%            | 1              |
| 6  | Via town or parish council                     |  | 6.40%            | 11             |
| 7  | Word of mouth                                  |  | 2.91%            | 5              |
| 8  | Other (please specify):                        |  | 6.98%            | 12             |
|  |  |   | answered         | 172            |

### Other (please specify):

- Letter from South Oxfordshire and Vale of White Horse x 8
- Taxipoint website
- On line local newspaper
- Email invite from 'have your say'

## FURTHER INFORMATION

For information about the consultation or the results presented in this report, please contact:

Consultation and Community Engagement Team  
South Oxfordshire and Vale of White Horse District Council  
01235 422425  
[haveyoursay@southandvale.gov.uk](mailto:haveyoursay@southandvale.gov.uk)

To enquire about the council's work on licensing of hackney carriages and private hire vehicles, please contact:

**Laura Driscoll**  
Licensing Team Leader  
South Oxfordshire and Vale of White Horse District Council  
01235 422561  
[licensing@southoxon.gov.uk](mailto:licensing@southoxon.gov.uk) or [licensing.unit@whitehorsedc.gov.uk](mailto:licensing.unit@whitehorsedc.gov.uk)

**END**



Listening Learning Leading

# Licensing Policy for Hackney Carriage and Private Hire

This policy was adopted by the South Oxfordshire District Council at the meeting of the General Licensing Committee on **DATE** and the Vale of White Horse District Council at the meeting of the General Licensing Committee on **DATE** and comes into force on **DATE** and will be reviewed five years from that date unless previously amended.

For any queries, please contact the licensing team:

Licensing Team  
Vale of White Horse District Council  
135 Eastern Avenue  
Milton Park  
Abingdon  
OX14 4SB

01235 422556  
[licensing.unit@whitehorsedc.gov.uk](mailto:licensing.unit@whitehorsedc.gov.uk)

Licensing Team  
South Oxfordshire District Council  
135 Eastern Avenue  
Milton Park  
Abingdon  
OX14 4SB

01235 422556  
[licensing@southoxon.gov.uk](mailto:licensing@southoxon.gov.uk)

## Contents

|   |           |
|---|-----------|
| <b>1. Introduction</b>                                | <b>5</b>  |
| <b>2. Legislation and best practice guidance</b>      | <b>6</b>  |
| <b>3. Applications for licences</b>                   | <b>7</b>  |
| <b>4. Guidance on suitability to hold a licence</b>   | <b>8</b>  |
| <b>5. Change of details</b>                           | <b>9</b>  |
| <b>6. Enforcement</b>                                 | <b>9</b>  |
| <b>7. Hackney carriages and private hire vehicles</b> | <b>11</b> |
| Applications for vehicle licences                     | 11        |
| Criminal record checks                                | 11        |
| Limitation of numbers                                 | 12        |
| Specifications and conditions                         | 12        |
| Vehicle emissions                                     | 12        |
| Accessible vehicles                                   | 13        |
| Vehicle testing                                       | 13        |
| Tariff  | 14        |
| Signage and advertising                               | 14        |
| Livery  | 15        |
| Plate exemption for private hire vehicles             | 15        |
| CCTV and security measures                            | 15        |
| Stretched limousines and special vehicles             | 16        |
| Funeral and wedding vehicles                          | 16        |
| Transfers   | 16        |
| Accidents   | 16        |
| <b>8. Hackney carriage and private hire drivers</b>   | <b>17</b> |
| Grant and renewal of licences                         | 17        |
| Age and experience                                    | 17        |
| Right to work in the UK                               | 17        |
| Medical examination                                   | 17        |
| Criminal record checks                                | 18        |
| DVLA Licence and Checks                               | 20        |
| Practical Driving Assessment                          | 20        |
| English language proficiency                          | 20        |
| Knowledge test  | 21        |
| Disability Awareness Training                         | 21        |
| Safeguarding Training                                 | 22        |
| Behaviour and conduct of drivers                      | 22        |
| <b>9. Private hire operators</b>                      | <b>22</b> |
| Requirements and obligations                          | 22        |
| Grant and renewal of licences                         | 22        |
| Criminal record checks                                | 23        |
| Right to work in the UK                               | 23        |
| Knowledge Test  | 24        |
| Disability Awareness Training                         | 24        |

|   |           |
|---|-----------|
| Safeguarding Training   | 25        |
| Conditions  | 25        |
| Operator Base   | 25        |
| Sub-contracting   | 26        |
| Trading names   | 26        |
| Data protection   | 26        |
| Record keeping  | 26        |
| <b>Appendix A - Hackney Carriage Specification and Licence Conditions</b>     | <b>27</b> |
| Specification   | 27        |
| Vehicle emissions and testing requirements                                    | 28        |
| Equipment   | 28        |
| Condition of the vehicle  | 29        |
| Insurance and other documentation   | 29        |
| Licence plates  | 29        |
| Taxi signs, livery and advertising  | 29        |
| Audio, CCTV, video or surveillance systems                                    | 30        |
| Smoke free vehicles   | 30        |
| Meters and tariff card  | 30        |
| Trailers  | 31        |
| Accessible Vehicles - Specification   | 31        |
| Accessible Vehicles - Equipment and Anchorage                                 | 32        |
| Lost property   | 33        |
| Reporting to the council  | 33        |
| Hackney carriages and pre-booked journeys                                     | 33        |
| <b>Appendix B - Private Hire Vehicle Specification and Licence Conditions</b> | <b>34</b> |
| Specification   | 34        |
| Vehicle emission and testing requirements                                     | 35        |
| Equipment   | 35        |
| Condition of the vehicle  | 36        |
| Insurance and other documentation   | 36        |
| Licence plates  | 36        |
| Private hire signs and advertising  | 37        |
| Audio, CCTV, video or surveillance systems                                    | 37        |
| Smoke free vehicles   | 37        |
| Meters  | 37        |
| Trailers  | 38        |
| Accessible Vehicles - Specification   | 38        |
| Accessible Vehicles - Equipment and Anchorage                                 | 38        |
| Specification for special vehicles  | 39        |
| Lost property   | 40        |
| Reporting to the council  | 41        |
| <b>Appendix C - Hackney Carriage Roof Signs</b>                               | <b>42</b> |
| <b>Appendix D - Operator Licence Conditions</b>                               | <b>44</b> |
| <b>Appendix E - Driver Licence Conditions and Code of Conduct</b>             | <b>46</b> |
| <b>Appendix F - Guidance on Suitability of Applicants</b>                     | <b>48</b> |
| Overview  | 48        |

|  |           |
|--|-----------|
| Taxi Drivers   | 48        |
| Private Hire Operators   | 52        |
| Vehicle Proprietors  | 53        |
| Guidance on Determination  | 54        |
| Crimes resulting in death  | 58        |
| Exploitation   | 58        |
| Offences involving violence  | 58        |
| Possession of a weapon   | 58        |
| Sex and indecency offences   | 58        |
| Dishonesty   | 58        |
| Drugs  | 58        |
| Discrimination   | 59        |
| Motoring convictions   | 59        |
| Drink driving/driving under the influence of drugs/using a hand-held telephone<br>or hand held device whilst driving | 59        |
| Other motoring offences  | 59        |
| Hackney carriage and private hire offences   | 59        |
| Vehicle use offences   | 60        |
| <b>Appendix G - Penalty Points Scheme</b>  | <b>61</b> |
| <b>Appendix H - Safeguarding vulnerable adults and children</b>  | <b>63</b> |
| <b>Appendix I - Disability awareness</b>   | <b>67</b> |
| <b>Appendix J - Approval of advertising on licensed vehicles</b>   | <b>71</b> |
| <b>Appendix K - Glossary of Terms</b>  | <b>72</b> |

## 1. Introduction

1.1 This policy statement has four main purposes, which are:

- **to confirm to members** of the General Licensing Committees the boundaries and powers of the councils and the parameters within which to make decisions
- **to inform licence applicants** of the parameters within which the councils will make licensing decisions and therefore how licensed operators, drivers and vehicles can operate within the area of the council which licenses them
- **to inform local residents and businesses** of the parameters within which the councils will make licensing decisions and therefore how their needs will be addressed
- **to support a case in a court of law** where either council must show how it arrived at its licensing decisions.

1.2 In setting out this joint policy, the councils seek to promote the following objectives:

- the protection of public health and safety
- the maintenance of a professional and respected hackney carriage and private hire trade
- access to an efficient and effective transport service
- the protection of the environment.

1.3 The aim of the licensing process is primarily to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the councils' hackney carriage and private hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.

1.4 Hackney carriage and private hire vehicles have a specific role to play in an integrated transport system. They can provide demand responsive services in situations where public transport is either not available (for example in rural areas, or outside 'normal' hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

1.5 This policy contains information about legal requirements, government guidance, council policy, procedures and standards. It has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Acts 1847 and 1889, the Public Health Act 1875 and the Local Government Act 1972 which place on the councils the duty to carry out licensing functions in respect of hackney carriage and private hire vehicles, drivers and operators.

1.6 In exercising their discretion in carrying out their regulatory functions, the councils will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy, each application or enforcement measure will be considered on

its own merits. Where it is necessary for either of the councils to depart substantially from this policy, clear and compelling reasons must be given for doing so.

1.7 This policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as necessary. The Head of Housing and Environment in consultation with the Chairs of the General Licensing Committees is authorised to make minor administrative amendments to the policy where necessary, and to amend the policy to reflect any changes in legislation, statutory guidance or similar.

1.8 The policy provides guidance for applicants, drivers and operators to assist them with the application processes and operation of their business. This guidance, application forms and current fees are also available on the relevant council website. In order to ensure that the most up to date version is used, applicants and licence holders should not store these forms on their own system but should download the latest version of a form when it is required.

## **2. Legislation and best practice guidance**

2.1 All licence holders must comply with the provisions relating to hackney carriage and private hire drivers and vehicles contained in legislation, including but not limited to the following:

- Town Police Clauses Act 1847
- Part II Local Government (Miscellaneous Provisions) Act 1976
- Equality Act 2010

2.2 The Department for Transport (DfT) has national responsibility for hackney carriage and private hire legislation in England and Wales and produced best practice guidance for local licensing authorities in March 2010. The DfT guidance states local authorities will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. The document recognises that licensing authorities may reach their own decisions both on overall policies and on individual licensing matters, in the light of their own circumstances. The councils have taken account of the DfT guidance to shape this policy. In addition, the councils have taken account of the Statutory Taxi and Private Hire Vehicle Standards published by the DfT in July 2020.

2.3 In adopting this policy the councils have had regard to the likely costs of implementation and have endeavoured to strike a balance between the financial interests of the trade and the protection of the travelling public.

2.4 This policy also takes account of the legislative basis of the councils’ taxi licensing powers, contained in the Town Police Clauses Act 1847 and 1889, the Public Health Act 1875, the Local Government Act 1972 and the Local Government (Miscellaneous Provisions) Act 1976 as amended, which the councils have both adopted.

### **3. Applications for licences**

3.1 The councils require that applications for hackney carriage/private hire licences must be made on the prescribed application form which is available on the relevant council's website or using the relevant council's electronic application procedure. The councils' websites will provide guidance to assist in the completion of the application.

3.2 The licence fees payable to the relevant council are subject to annual review and will be published together with other council licensing fees on the relevant council's website. This may include charges for applicants who fail to attend appointments, knowledge tests, training sessions, etc.

3.3 The councils will consider all applications on their own merits once they are satisfied that the application is complete. Incomplete or missing documentation or evidence may result in the application being rejected. Any application that is not completed within 6 months may be treated as withdrawn.

3.4 Where an applicant is unable to demonstrate that they fulfil the requirements of this policy, applications will normally be refused. It may be that, having regard to the particular circumstances, it would be right to depart from the policy. Applications will be determined in accordance with the current scheme of delegation. In some cases, the Head of Housing and Environment may refer applications or existing licence holders to a Licensing Panel for consideration.

3.5 The applicant will be given an opportunity to make representations and these will be taken into account by the decision maker/s.

3.6 If a matter is referred to a panel for consideration, the applicant or licence holder will be advised of the date, time and venue of the panel. The proceedings and terms of reference of the licensing panel are set out on the councils' websites.

3.7 Where a decision is made to refuse to grant or renew, or to suspend or revoke a licence, the applicant or licence holder will be advised in the decision notice of their rights of appeal.

3.8 The councils will aim to send a reminder to licence holders before their licence expires in order to assist them in prompt submission of renewal applications. Please note, the councils are not obliged to do this and the responsibility of ensuring licences do not expire remains with the licence holder. Applicants must therefore allow adequate time for the processing of their renewal applications. The council is not responsible for delays due to the actions of external bodies such as the Disclosure and Barring Service (DBS).

3.9 If an application to renew a licence is received late, the licence may expire before a new one can be issued. For operators, this will mean they are no longer permitted to take bookings until a new licence has been granted. For vehicles, the vehicle must not be used for the carriage of passengers for hire and reward until a new licence has been granted. For drivers, they will not be permitted to drive any vehicles licensed by the relevant council until a new licence has been granted.

3.10 The councils may share information with other public bodies such as other councils, the police, Home Office Immigration Compliance Enforcement, Driver and Vehicle Licensing Agency (DVLA) and HM Revenue and Customs (HMRC). Information will only be released in response to a properly made formal request and where there is a valid reason to do so, for example investigation of a criminal offence. The privacy notice relating to applicants for licences and licence holders can be found on the councils' websites.

3.11 Where drivers have been licensed with other authorities, we will carry out checks with those authorities for any information that may be relevant to the application being considered. In addition, the councils will use the National Anti-Fraud Network's national register of taxi and private hire vehicle driver licence refusals and revocations (known as 'NR3'), to share information and mitigate the risk of non-disclosure of relevant information by applicants.

#### **4. Guidance on suitability to hold a licence**

4.1 When considering whether a person is fit and proper to hold a licence (which includes both new and renewal applicants, and existing licence holders), the councils shall take into account the Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades ('the Guidance'), an extract of which can be found at Appendix F. The document applies to all vehicle, driver and operator licence holders and applicants. The full document is available on the councils' websites.

4.2 The DfT Statutory Taxi and Private Hire Vehicle Standards states as follows:

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

**Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?**

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

Licensing authorities have to make difficult decisions but ... the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

4.3 Applicants who have had a licence revoked or an application refused by the councils or any other local authority will not be licensed for a minimum of 5 years after the date of the revocation or refusal.

4.4 All licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours from the date of formal notification.

4.5 All licence holders are required to inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police or other enforcement body. This is to allow the council to be aware of any public safety concerns and to take appropriate action. Failing to notify the council may result in additional enforcement action against the licence.

4.6 A licence may be revoked with immediate effect pending the outcome of any investigation or trial where a licensed driver has been arrested or charged with a serious offence. Serious offences can include but are not limited to:

- Driving or being in charge of a vehicle whilst under the influence of drink or drugs
- A drug related offence
- An offence of a sexual nature
- An offence involving violence
- An offence involving dishonesty

A licence may also be revoked with immediate effect where information received raises grave doubts as to the fitness of a driver, regardless of whether criminal charges are brought. In all cases the licence holder will be given an opportunity to make representations and these will be taken into account by the decision maker/s.

## **5. Change of details**

5.1 All licence holders must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.

5.2 It is recommended that all licence holders notify the council if they are likely to be unable to be contacted for more than four weeks. This may help to prevent unnecessary suspension or revocation of licences.

## **6. Enforcement**

6.1 Enforcement is part of the overall licensing control process exercised by the councils and is taken to:

- ensure public safety
- maintain standards within the trade

- support the policies of the council
- respond to complaints
- support partnerships with neighbouring local authorities, and other agencies such as the police and Driver and Vehicle Standards Agency (DVSA)

6.2 All enforcement will be proportionate, transparent and in accordance with our enforcement policy. While the ultimate authority is the court, the expectation is that enforcement will be carried out by licensing officers overseen by the General Licensing Committees and their associated panels. The councils will ensure that the policy and its enforcement system meet the objectives set out in the policy whilst avoiding undue burden and costs upon licence holders.

6.3 Any enforcement system needs to deal with persistent, low level breaches up to serious, possibly criminal, behaviour. There are grades of sanctions from informal advice and warnings, through to the suspension and revocation of licences. The majority of enforcement will be for relatively minor offences or breaches and will be undertaken by the licensing officers through a points-based enforcement scheme as detailed in Appendix G. Authorised officers are empowered to give and recommend any of the following disciplinary measures:

- verbal warning
- written warning
- penalty points
- final written warning
- suspension of licences
- appearance before panel
- revocation (by the Head of Housing and Environment only)
- prosecution

6.4 Licence holders have a clear legal duty to offer assistance and information to any authorised officer. Any person who wilfully obstructs an officer, fails to comply with any reasonable requirement of an officer, fails to provide assistance or information reasonably required by an officer, or makes a false statement, may be prosecuted under the relevant sections of the Local Government (Miscellaneous Provisions) Act 1976. Licence holders may be requested to attend the council offices, for example to produce current insurance documents or their vehicle for inspection, upon reasonable request by an officer. Where a driver fails to comply with a reasonable request from an authorised officer in another licensing authority area, action will be taken as if the driver has failed to comply with the same request from an officer of these licensing authorities.

6.5 All licensed vehicles are required to display information for passengers on how to make complaints directly to the licensing authority. For renewals, this requirement will take effect from the next licence renewal after the date of publication of this policy. The licensing authority will provide the information card to be displayed.

## **7. Hackney carriages and private hire vehicles**

### **Applications for vehicle licences**

7.1 A hackney carriage or private hire vehicle proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In both cases the proprietor requires a hackney carriage or private hire vehicle licence from the council before they are legally entitled to use the vehicle to carry passengers for hire and reward. Hackney carriages are permitted to ply for hire and carry out pre-booked work, and private hire vehicles may only carry out work pre-booked through a licensed private hire vehicle operator.

7.2 This policy outlines the minimum requirements for vehicles licensed by the councils. These have been set down for the purposes of indicating to any prospective licence holder what will be acceptable, under delegated powers, to licensing officers and this should be borne in mind before a vehicle is purchased. Any vehicle presented for licensing which does not comply may only be accepted after consideration of the merits of the application by a panel. The applicant will, in these circumstances, be required to submit a persuasive and substantial case for departing from the normal policy.

7.3 Legislation limits hackney carriage or private hire vehicle licences to a maximum period of 12 months. A licence may be granted for a shorter period, should this be justified in a specific case.

7.4 Vehicles will only be considered for licensing if they are not already licensed by another licensing authority.

### **Criminal record checks**

7.5 All applicants must also provide a current (less than one month old) Basic DBS disclosure (although if the vehicle proprietor is also a licensed driver or operator with the council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure and the operator will already have provided a Basic DBS disclosure - should the individual cease to hold a driver or operator licence, a basic DBS will be required to be provided within a month of that licence expiring). The council will then decide whether the applicant is a 'fit and proper person' to hold such a licence. Where the proprietor is trading as a limited company (or partnership) the council will also require the directors and company secretary (or partners) to provide Basic DBS disclosures, and the company (or partnership) must advise the licensing authority within seven days of any change in directors (or partners) throughout the period of the licence.

7.6 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these at any point beyond the age of criminal responsibility, an authenticated certificate of good conduct from the relevant embassy will be required. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translator.

7.7 Where the councils have reasonable cause for concern relating to a particular vehicle proprietor, a random DBS check may be carried out. If a proprietor is given notice to undertake a random DBS check by the council, they must do so within 14 days of the request. Failure to do so may result in the suspension or revocation of the licence.

### **Limitation of numbers**

7.8 No powers exist for the councils to limit the number of private hire vehicles that they license. In respect of hackney carriages, the councils take the view that the market will determine the number of hackney carriage vehicles to meet demand. If the councils were to take the view that a quantity restriction on the number of hackney carriage vehicles could be justified in principle, the DfT guidance advises that the level at which the limit should be set is addressed by means of a survey, including details on associated costs.

### **Specifications and conditions**

7.9 The councils have adopted minimum standards that they will apply to all licensed vehicles. These are set out in Appendix A for hackney carriages and Appendix B for private hire vehicles.

7.10 The councils are empowered to impose such conditions as they consider reasonably necessary, in relation to the grant of hackney carriage or private hire vehicle licences. Hackney carriages and private hire vehicles provide a service to the public; the councils will only license vehicles suitable for this purpose. It is important to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous, to maintain high standards within the trade.

7.11 The councils will not license purpose built hackney carriage vehicles as private hire vehicles as this would be likely to confuse members of the public.

7.12 Any vehicle with a 'Q' plate registration will not be licensed as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts. 'Q' plates may be used to disguise stolen or accident damaged vehicles.

7.13 The councils will not license vehicles that have been classified as Category 'A' (whole vehicle to be crushed), 'B' (body shell to be crushed) or 'S' write offs (structural damage). This is to ensure all vehicles are of a high quality and meet the original, statutory safety standards.

### **Vehicle emissions**

7.14 The councils encourage drivers and operators to adopt more efficient licensed vehicles, which reduce the levels of CO<sub>2</sub> and NO<sub>x</sub> emitted. The use of alternative fuels and different technologies, such as fully electric vehicles, will further reduce emissions.

7.15 The councils may offer reduced licence fees for vehicles that produce lower carbon dioxide or nitrous oxide emissions, or that are solely electric/hydrogen powered (i.e. zero-emissions). Such fees are reviewed on an annual basis and may vary.

7.16 The councils have both declared a Climate Emergency and aspire to work towards carbon neutral districts. In light of this, the aim is for all vehicles licensed by the councils to be zero carbon by 2030 at the latest. Over the life of this policy we will work in partnership with neighbouring authorities and other partners to improve the infrastructure for electric vehicle charging on the councils' property and land and will investigate the options for installing additional infrastructure on other sites.

7.17 In view of the above, from 1 April 2022 proprietors will be required to have vehicles of at least Euro 4 standard to renew their licence; and Euro 4, Euro 6 or zero-emission capable to receive a new licence. From 1 April 2026, proprietors will be required to have vehicles of at least Euro 6 standard to receive a new or renewed licence.

### **Accessible vehicles**

7.18 The councils are committed to social inclusion and ensuring that disabled residents have a variety of opportunities to enjoy a high quality of life. For this reason, the councils consider it important that disabled residents have access to all forms of public transportation.

7.19 Due to the limited number of disabled access vehicles available, any wheelchair accessible hackney carriage meeting the European Whole Vehicle Type Approval or the UK Low Volume Type Approval and has suitable tracking, seatbelt and wheelchair anchorages will be given a reduced licence fee. The councils will give careful consideration to other incentives to increase the number of disabled access vehicles within the districts.

7.20 Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by the councils. The specification can be found in Appendix A for hackney carriages and Appendix B for private hire vehicles.

7.21 The councils are aware of the different demands for private hire vehicles, particularly those involved in providing transport through school contracts for disabled children. Operators also need to be aware of their liabilities under health and safety legislation in respect of staff that they employ to ensure that they provide a safe system of work for the driver.

### **Vehicle testing**

7.22 The DfT guidance recognises that an annual inspection for licensed vehicles of whatever age is necessary. More frequent tests are recommended for older vehicles. The DfT guidance also suggests that it is good practice for councils to consider having more than one testing station and argues that there could be advantages in contracting out the testing work to different garages. The councils will not license vehicles unless they have a current certificate of compliance from one of the approved compliance testing centres.

7.23 The councils have approved compliance testing centres to which all hackney carriages and private hire vehicles must be taken when being tested in connection with

licensing requirements, which are outlined in the councils' vehicle testing manual. The location and contact information for approved compliance testing centres and the vehicle testing manual is available on the councils' websites.

7.24 Anyone who wishes to complain about or is in dispute with any of the approved testing stations may contact the Licensing Team who will investigate the complaint. Complaints concerning the part of the test that checks the councils' conditions will be dealt with by the Licensing Team with reference to an expert if necessary. Complaints about the mechanical part of the test may be referred to DVSA if appropriate.

7.25 The test must take place in accordance with the council's testing procedures. A compliance test covers all the elements of the MOT and the council's standards as laid out in Appendix A and Appendix B. In addition, the accuracy of the meter will be checked over a measured mile.

7.26 Vehicles less than one month old and with less than 1500 recorded miles will be exempt from the requirement for a compliance check. All hackney carriage vehicles must have their meter checked for consistency with the displayed tariff card and the operation of the roof sign. This check must be carried out at a compliance testing centre.

Vehicles up to the third anniversary of their date of registration will require an annual compliance check.

Vehicles older than the third anniversary of their registration but less than the seventh anniversary of their registration will require compliance checks every six months.

Vehicles older than the seventh anniversary of their date of registration will require compliance checks every four months.

## **Tariff**

7.27 The tariff is a maximum figure that hackney carriage drivers can charge based on a range of factors including time of day or night and special occasions such as bank holidays. The tariff does not apply to private hire vehicles. For journeys outside the district, unless there is a fare agreed before the hiring, the fare should not exceed the tariff. If a hackney carriage is used for a private hire booking, the fare shall be calculated from the point in the district at which the hirer commences his journey. Hackney carriage vehicles must clearly display the tariff card within sight of passengers in the vehicle.

## **Signage and advertising**

7.28 Members of the public sometimes confuse private hire vehicles with hackney carriages, without realising that private hire vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public can easily distinguish each type of vehicle.

7.29 For this reason private hire vehicles must not display any roof signs and hackney carriage vehicles must display roof signs as specified in Appendix C. Private hire vehicles must also not display any wording that includes the words 'taxi' or 'cab'.

7.30 Both hackney carriages and private hire vehicles must display a licence plate on the rear of the vehicle. The plates are different colours for hackney carriages and private hire vehicles. The external licence plate supplied by the council shall be securely fixed to the outside and rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet, or on a secure bracket. No temporary fixing such as magnets, double sided tape, cable ties or Velcro® are allowed.

7.31 Advertising will be permitted on licensed vehicles, subject to approval in accordance with the process set out in Appendix J. Complaints about unsuitable or offensive advertisements may be referred to the relevant council's licensing panel. The councils may introduce a fee to cover the cost of considering any such applications. This does not include advertising for the taxi or private hire firm that the vehicle works for.

### **Livery**

7.32 The councils do not require that licensed vehicles are finished in a special livery or appearance.

### **Plate exemption for private hire vehicles**

7.33 Private hire vehicles which are used for contract work for at least 75 percent of the time may be exempted from displaying a plate. The operator's records for these vehicles must prove that the required amount of contract work is being carried out and the relevant council will require written evidence as to why plate exemption is required. Where an exemption is granted the vehicle must display the internal licence card/disc issued by the council which must be clearly visible from the inside and outside of the vehicle. This must not be placed in a position that obstructs the view of the driver. The rear licence plate must be carried in the vehicle at all times.

7.34 Vehicles given this exemption will normally be executive type cars. The relevant council will determine applications for exemption on a case by case basis. The plate exemption must be applied for on an annual basis on the anniversary of the renewal of the vehicle licence, with up to date evidence of the requirement for the exemption. Proprietors should not automatically assume that when licensing a new vehicle to replace an existing plate exempted vehicle or renewing an existing plate that the plate exemption will continue. The fee for this process is subject to annual review and will be published together with other council licensing fees.

### **CCTV and security measures**

7.35 The DfT recommends councils to look sympathetically on the installation of security features, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers. The councils fully support such measures.

7.36 The councils do not require enhanced security or CCTV measures in vehicles. Where a proprietor installs a CCTV system, signage must be clearly displayed in the vehicle including contact details for the system manager/operator. All such equipment and

images must be operated in accordance with any relevant data protection legislation or regulations. It is the responsibility of the driver/operator to ensure compliance.

7.37 No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

### **Stretched limousines and special vehicles**

7.38 Stretched limousines are elongated saloon cars or multi-purpose vehicles (MPVs). They are generally used for private hire work and special occasions.

7.39 Councils are sometimes asked to license stretched limousines as private hire vehicles. The councils will assess licence applications for these vehicles in accordance with the 'special vehicles policy' set out in Appendix B.

7.40 Where a vehicle has been imported from another country, the councils may require DVSA approved certification prior to licensing approval. The council will take into consideration any relevant guidance from the DfT, DVSA or similar when determining whether to include special conditions on any licence.

### **Funeral and wedding vehicles**

7.41 There is currently no requirement for a vehicle to be licensed where it is being used in connection with a funeral or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

7.42 A vehicle does not need to be licensed to be used in connection with a wedding. Written certification from the council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement. However, if a licensed hackney carriage vehicle is used for a wedding the licence plate and roof sign must be displayed; for licensed private hire vehicles the licence plate must be displayed unless a valid exemption notice is held.

### **Transfers**

7.43 A 'transfer' is the sale of a licensed vehicle from one person to another rather than when a proprietor wishes to license a vehicle as a hackney carriage or private hire vehicle which is not currently licensed as such, which is an application for a 'change of vehicle licence'. The councils must be notified of any such transfer within 14 days of it taking place.

7.44 Applications to transfer the licence must be made on the prescribed application form. The licence fee payable for a transfer is subject to annual review and will be published together with other council licensing fees.

### **Accidents**

7.45 Where damage that requires repair arises from an accident the proprietor is required to report the accident to the relevant council within three days. The proprietor may be required to produce the vehicle at the council offices, or to undertake a compliance test.

The councils' primary concern is to ensure that the vehicle is in a safe and suitable condition to be used as a licensed vehicle.

7.46 A licensing officer or approved testing station may examine the extent of the damage and determine whether the vehicle must be repaired to allow it to continue as a licensed vehicle. Officers will advise drivers and operators of the outcome of the inspection within three days.

7.47 Where a temporary vehicle licence has been granted due to the original vehicle being subject to accident damage or mechanical breakdown, a new compliance certificate will be required for the original vehicle in order to prove it is mechanically fit to be re-licensed.

## **8. Hackney carriage and private hire drivers**

### **Grant and renewal of licences**

8.1 The licensing of hackney carriage and private hire drivers is governed by Section 53 of the Local Government (Miscellaneous Provisions) Act 1976. This provides that these licences shall remain in force for up to three years or for such lesser period as may be determined. The councils offer a three-year driver's licence only.

### **Age and experience**

8.2 The DfT guidance recommends against setting a maximum age limit for drivers provided that regular medical checks are made on them. It also considers that minimum age limits, beyond the statutory requirement of holding a full driver's licence for 12 months are unnecessary, advising that applicants should be assessed on their merits.

### **Right to work in the UK**

8.3 All driver licence applicants must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. The councils will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of right to work.

8.4 If an applicant is unable to provide satisfactory proof of their right to work in the UK, there will be no option other than to refuse to grant the licence. Should a driver's right to remain in the UK lapse, the licence automatically lapses with no right of appeal.

8.5 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. Licences may be extended up to the legal maximum of 3 years if the period of right to work is extended, and a separate fee is payable for this process.

### **Medical examination**

8.6 The DfT recognises that it is good practice for medical checks to be made on each driver as a condition for the initial grant of a licence and for each renewal. Use of the 'Group 2' medical standards (as applied by DVLA to the licensing of lorry and bus drivers) to

hackney carriage and private hire drivers is best practice and shall be applied by the councils. Please see below for requirements for drivers with diabetes managed by insulin, a sulphonylurea or a glinide.

8.7 A request form for a medical examination, which must be presented to a GP at the applicant's registered GP surgery, must be downloaded from the council's website. The applicant will be responsible for paying the fee for the examination to their GP surgery. On completion of the examination, a medical report will be provided to the applicant. Applicants should check through the report before submitting this to the council, to ensure all questions have been answered and they are satisfied that the information is accurate, to avoid any delays in the application process. The GP completing the medical examination will be required to certify that they have checked the applicant's personal medical records before completing the medical examination. If the applicant's GP surgery does not carry out such medical examinations, the applicant should contact the Licensing Team for further advice. During the application process, applicants must advise the Licensing Team in writing within seven days of any change in their medical condition that may affect their driving capabilities. If there is any doubt as to the medical fitness of the applicant, the councils may require the applicant to produce a medical certificate, letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the applicant. Where there remains any doubt about the fitness of any applicant, the Head of Housing and Environment will review the medical evidence and make the final decision.

8.8 The DVLA Group 2 medical standard stipulates that over the age of 45 drivers will require a medical every five years. Drivers aged 65 and over, or those with relevant medical conditions, will require an annual examination. More frequent checks will be required if the medical practitioner thinks it is necessary. For drivers with diabetes managed by insulin or a sulphonylurea or a glinide, a full medical is required at the usual intervals determined by the driver's age and/or any other medical conditions, and in addition an annual specialist medical will be required.

8.9 Licence holders must advise the Licensing Team in writing within seven days of any change in their medical condition that may affect their driving capabilities. If there is any doubt as to the medical fitness of the licence holder, the councils may require the licence holder to produce a medical certificate, letter or report from their own GP or consultant confirming their fitness to drive. This will be done at the expense of the licence holder. Where there remains any doubt about the fitness of any licence holder, the Head of Housing and Environment will review the medical evidence and make the final decision. The licence may be suspended with immediate effect on the grounds of public safety if there is any doubt as to their medical fitness.

### **Criminal record checks**

8.10 A criminal record check on a driver is an important safety measure. The DfT considers that such checks should be at the level of enhanced disclosure through the Disclosure and Barring Service as these disclosures include details of spent convictions and police cautions. The councils will manage information arising from disclosures in accordance with the [DBS code of practice](#).

8.11 The Rehabilitation of Offenders Act 1974 (“1974 Act”) and associated amendments sets out the period after which a conviction/caution/warning would be regarded as ‘spent’ and not normally require details of that conviction to be provided on any relevant application form. However, in 2002 the Rehabilitation of Offenders Act 1974 was amended to exclude hackney carriage and private hire drivers from the 1974 Act. This was because the driving of hackney carriages and private hire vehicles was listed as a ‘Regulated Occupation’ in relation to which questions may be asked as to the suitability of individuals to be granted a licence.

8.12 Applicants for such licences must therefore provide details of all convictions, warnings, reprimands, criminal behaviour orders, injunctions, cautions, community service orders, restraining orders, traffic offences, driver education courses, disqualifications and fixed penalty notices, including any that would previously have been regarded as spent under the 1974 Act or may not currently show on any replacement DVLA driver’s licence. In addition, any pending court cases or hearings must be declared, and details of any licences previously held, suspended or revoked. Failure to disclose any information and the making of false declarations will be considered to be an act of dishonesty and may result in the application being refused or the licence revoked. Applicants must seek the advice of an officer if they cannot remember full details that they are required to declare or have any uncertainty about what details they are required to provide.

8.13 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these for three months or more at any point from the age of ten, an authenticated certificate of good conduct from the relevant embassy will be required. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translator. This includes any licence holder who has lived in other countries for three months or more since the licence was granted.

8.14 No driver’s licences will be issued or renewed without a current enhanced DBS disclosure or one checked through the Update service.

8.15 Applicants must obtain their DBS disclosure through the relevant council.

8.16 All drivers must sign up for the DBS Update service and maintain their annual payments to the DBS. Applicants whose Update check reveals new information will have to complete a new, full DBS application that may take several weeks to be returned. Where a driver fails to maintain their payments to the DBS Update service, their licence may be suspended with immediate effect on the grounds of public safety pending the return of a new DBS disclosure.

8.17 Where the councils have reasonable cause for concern relating to a particular driver, random enhanced DBS checks may be carried out. If a driver is given notice to undertake a random DBS check by the council, they must provide all relevant documentation for this to the council within 14 days of the request. Failure to do so may result in the suspension or revocation of the licence.

## **DVLA Licence and Checks**

8.18 All applicants must have held a full DVLA/EU/EEA driving licence for at least 12 months prior to application. Before the grant or renewal of a driver's licence, all applicants will be required to submit a DVLA licence check code in order for a check to be carried out to confirm the current status of the DVLA licence. Any photocard must be current and valid. The authority may undertake random checks of licensed driver's DVLA licences to identify undisclosed offences. If a driver is given notice to undertake a random DVLA check by the council they must provide a DVLA check code within 7 days of the request.

8.19 Applicants who have held a full driving licence issued by a European Economic Area (EEA) country for at least 12 months can apply for a hackney carriage or private hire vehicle driver's licence.

8.20 Applicants from EEA Accession States are eligible to acquire a hackney carriage/private hire driver's licence if they have held an ordinary driving licence for 12 months, which was issued by an Accession State.

8.21 Those applicants whose driving licences were not issued by an EEA state, an Accession State or Northern Ireland will be required to hold a full DVLA licence for 12 months prior to being issued with a hackney carriage/private hire vehicle driver's licence.

8.22 New applicants who have been disqualified from driving due to motoring offences must have held a full clean licence for 12 months before they can apply to become a licensed driver.

## **Practical Driving Assessment**

8.23 All new applicants (including any drivers whose licences have lapsed) must take and pass the appropriate practical driving assessment(s) from the council's list of approved providers which can be found on the councils' websites. The assessment certificate will only be valid for the application process for a period of 12 months from its date of issue.

8.24 Existing drivers may also be required to pass a practical driving assessment if there are concerns about their standard of driving, and the licence may be suspended until the assessment is passed.

## **English language proficiency**

8.25 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies, guidance and licence conditions. This could have a direct impact on the protection of children and vulnerable adults and being able to identify and act on signs of exploitation. Sitting the knowledge test is a reasonable test of English language proficiency and the licensing team leader may also decide to refer an applicant to an independent organisation who will undertake testing of the applicant's spoken English. Applicants who are referred will be required to demonstrate their ability to converse in English in an independently administered test. Candidates will be responsible for all the costs associated with this additional testing.

## Knowledge test

8.26 Hackney carriage and private hire drivers need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route. Hackney carriages can be hired immediately, directly with the driver, at hackney carriage stands or hailed on the street, whereas private hire vehicle drivers will normally have time to check the shortest or quickest route on a map and discuss the options with the hirer prior to the hire commencing. The ability to find destinations and read maps is seen as a fundamental skill in providing a quality service for passengers.

8.27 In order to maintain the high standards expected of drivers, the councils will not grant a licence to drive a hackney carriage or private hire vehicle until the applicant has passed their knowledge test. This includes drivers who have held a licence previously which has lapsed. The knowledge test will be in a form and structure determined by the council and may be administered by a third party. Applicants will be given their result as soon as possible and the aim is to provide the result within one week.

8.28 In order to determine their fitness, applicants will be required to undertake a test as to their knowledge of:

- local geography (e.g. location of public buildings and recreation destinations, and the shortest route between locations in the area or primary destinations such as airports)
- the Highway Code
- hackney carriage and private hire licensing law and the councils' policy.

8.29 There is a fee to sit the test and this is published together with the other council licensing fees. No applicant may sit the test more than three times in any 12-month period commencing on the date of their first test. Any cancellations must be made at least 48 hours before the test date and time. The fee for tests cancelled with less than 48 hours' notice will not be refunded.

8.30 Candidates with a disability that may affect their ability to undertake a written test, such as dyslexia, must provide written confirmation from a suitably qualified professional such as a doctor or consultant. Based on the recommendation of the professional, the applicant will be given appropriate support such as additional time or a spoken test. Applicants must contact the licensing team prior to booking the knowledge test if they require additional support.

## Disability Awareness Training

8.31 All applicants for a hackney carriage/private hire driver's licence will be required to pass disability awareness training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.

8.32 Once passed, the training must be retaken by all licensed drivers every three years. Failure to re-take the training will result in the driver's licence being suspended until such time as they have attended and passed the training.

## **Safeguarding Training**

8.33 All applicants for a hackney carriage/private hire driver's licence will be required to pass approved safeguarding training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.

8.34 Once passed, the training must be retaken by all licensed drivers every three years. Failure to re-take the training will result in the driver's licence being suspended until such time as they have attended and passed the training.

## **Behaviour and conduct of drivers**

8.35 The councils consider that to assist drivers and the public it would be useful to set down the standards that must be adopted in maintaining a safe, professional and efficient approach to the transport of members of the public. It is considered that drivers must be aware of the law and minimum standards of behaviour, should adopt safe and non-aggressive driving techniques and set a good example to other road users. The Code of Good Conduct at Appendix E forms part of the conditions attached to a hackney carriage/private hire driver's licence.

8.36 Failure to comply with any aspect of the Code of Good Conduct will result in enforcement action dependent upon the breach. This may result in warnings or penalty points being given by licensing officers or if necessary, by the relevant panel. Repeated breaches following such education or warnings may lead to more serious consequences including if necessary, refusal to renew, suspension or revocation of licences.

8.37 A driver's licence will cease to be valid on the suspension, revocation, surrender or expiry of the licence. Any badge supplied remains the property of the council and must be returned to the council if suspended, revoked, surrendered or expired. If a driver is given notice to return their licence and badge, they must do so within seven days.

## **9. Private hire operators**

### **Requirements and obligations**

9.1 A private hire vehicle may only be dispatched to a booking by a licensed private hire operator. Such a licence permits the operator to invite or accept bookings for a vehicle with a driver. Private hire operators must ensure that every private hire vehicle that they operate is licensed by the same council who issued them with the operator's licence and that it is driven by a person who holds a private hire driver's licence issued by the same council.

### **Grant and renewal of licences**

9.2 All private hire operator licences will be issued for five years. Licences of a shorter duration may be issued in exceptional circumstances.

## **Criminal record checks**

9.3 Applicants must also provide a current (less than one month old) Basic DBS disclosure (although if the operator is also a licensed driver with the council the requirement for the DBS disclosure is waived as the driver will have been subject to an Enhanced Disclosure, should the individual cease to hold a driver licence, a Basic DBS will be required to be provided within a month of that licence expiring and annually thereafter). The council will then decide whether the applicant is a 'fit and proper person' to hold such a licence. Where the private hire operator is trading as a limited company (or partnership) the council will also require the directors and company secretary (or partners) to provide a Basic DBS disclosure every year, and the company must advise the licensing authority within seven days of any change in directors or partners throughout the period of the licence.

9.4 Currently the DBS only has details of offences committed in England, Scotland, Wales, Northern Ireland, Jersey, Guernsey, the Isle of Man and Gibraltar, therefore if an applicant has lived in countries other than these for three months or more at any point from the age of ten, an authenticated certificate of good conduct from the relevant embassy will be required. All certificates of good conduct must be submitted in English or accompanied by a translation by a certified translator. This includes any licence holder who has lived in other countries for three months or more since the licence was granted.

9.5 Where the councils have reasonable cause for concern relating to a particular operator, a random DBS check may be carried out. If an operator is given notice to undertake a random DBS check by the council, they must do so within 14 days of the request. Failure to do so may result in the suspension or revocation of the licence.

9.6 Operators must keep a register of all staff involved in bookings and dispatching work and they must obtain basic DBS checks for all such staff prior to them commencing work for the operator, and annually thereafter. Evidence of the most recent check must be retained while the staff member works for the firm and for a period of 6 months after they leave the firm and provided on request. The staff member must be required as part of their contract to advise the operator of any cautions or convictions while they are employed in this role. Operators must keep a written policy on employing ex-offenders in roles that would be on the register as above, and this must be provided to any person on request.

## **Right to work in the UK**

9.7 All operator licence applicants must prove that they have a right to work in the UK in accordance with the Immigration Act 2016. The councils will follow any relevant guidance such as that published by the Home Office in respect of establishing proof of right to work.

9.8 Applicants who cannot provide evidence of indefinite right to work will only have their licence granted for the period of their right to work. Licences may be extended if the period of right to work is extended. There is no discounted fee for licences of less than five years.

## Knowledge Test

9.9 Private hire operators need a good working knowledge of the area for which they are licensed. The law requires that members of the public are transported by the most direct and therefore cheapest route. In addition, they must have a clear knowledge of the laws and legislation relating to the work of licensed drivers, vehicle proprietors and operators. In view of this, the councils will not grant an operator's licence until the applicant has passed the knowledge test. The knowledge test will be in a form and structure determined by the council and may be administered by a third party. Applicants will be given their result as soon as possible and always within one week.

9.10 This requirement will be waived for drivers licensed by the relevant council who have already taken the knowledge test.

9.11 Where the applicant is a limited company or partnership, the applicant shall nominate one of the directors/partners or the company secretary who shall undertake the knowledge test. Where there are changes to the directors or partners throughout the period of the licence, the council may require another representative from the firm to be nominated to undertake the knowledge test within a set period of time.

9.12 Applicants will be required to undertake and pass a test as to their knowledge of:

- local geography (e.g. location of public buildings and recreation destinations, and the shortest route between locations in the area or primary destinations such as airports)
- the Highway Code
- hackney carriage and private hire licensing law and the councils' policy.

9.13 There is a fee to sit the test and this is published separately together with the other council licensing fees. No applicant may sit the test more than three times in any six month period commencing on the date of their first test. Any cancellations must be made at least 48 hours before the test date and time. Tests cancelled with less than 48 hours' notice will not be refunded.

9.14 Candidates with a disability that may affect their ability to undertake a written test, such as dyslexia, must provide written confirmation from a suitably qualified professional such as a doctor or consultant. Based on the recommendation of the professional, the applicant will be given appropriate support such as additional time or a spoken test. Applicants must contact the licensing team prior to booking the knowledge test if they require additional support.

## Disability Awareness Training

9.15 All applicants for an operator's licence will be required to pass disability awareness training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.

9.16 Once passed, the training must be retaken by all licensed operators every three years. Failure to re-take the training will result in the operator's licence being suspended until such time as they have attended and passed the training.

9.17 In addition, all staff involved in bookings and dispatching work must take and pass the disability awareness training prior to commencing work for the operator. The training must be retaken every three years. Should it be found that any staff member is breaching this requirement, this may result in the suspension of the operator's licence until such time as the staff member has attended and passed the training.

### **Safeguarding Training**

9.18 All applicants for an operator's licence will be required to pass approved safeguarding training before a licence will be granted. The applicant shall meet the cost of the training. If an applicant can show they have passed adequate similar training by some other means, they may be exempted from the training arranged by the councils.

9.19 Once passed, the training must be retaken by all licensed operators every three years. Failure to re-take the training will result in the operator's licence being suspended until such time as they have attended and passed the training.

9.20 In addition, all staff involved in bookings and dispatching work must take and pass the approved safeguarding training prior to commencing work for the operator. The training must be retaken every three years. Should it be found that any staff member is breaching this requirement, this may result in the suspension of the operator's licence until such time as the staff member has attended and passed the training.

### **Conditions**

9.21 The relevant council has the power to impose such conditions on an operator's licence as it considers reasonably necessary. These conditions can be found at Appendix D.

### **Operator Base**

9.22 The address used on the operator's application must be the one where the invitation and acceptance of bookings take place. This will be the premises where the records referred to above are kept and at which they may be inspected by licensing officers without notice.

9.23 It will be the responsibility of the operator to ensure that necessary planning consent exists for the operational address to be used for that purpose before any licence is granted.

9.24 If premises are open to the public, applicants must produce evidence that they have taken out a minimum of £5 million of public liability insurance for the premises to be licensed, before the relevant council will approve an application for a private hire operator's licence.

9.25 The councils will not grant a private hire operator's licence for an operator with an operating base that is outside the councils' areas. This is to ensure that proper regulation and enforcement measures may be taken by the relevant council.

9.26 Operators who propose to change their operating base must obtain a licence to operate from the new address prior to commencement of operating from the new base.

### **Sub-contracting**

9.27 A private hire operator may sub-contract a booking to another licensed operator or hackney carriage driver. A record of whom the booking was sub-contracted to and when must be kept. Operators are required to evidence that comparable safeguarding protections are applied by the company to which they sub-contract any bookings.

9.28 Passenger Carrying Vehicle (PCV) licensed drivers are subject to different checks from hackney carriage and private hire vehicle licensed drivers as the work normally undertaken, e.g. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking must not be permitted without the informed consent of the hirer. The hirer must be informed that a PSV will be used, with a PCV driver who is subject to different checks and not required to have an enhanced DBS check.

### **Trading names**

9.29 An operator shall only use trading or company name(s) that are included on the operator licence, or other trading name(s) approved by the council in writing.

### **Data protection**

9.30 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive online guidance on registering as a data controller and how to meet their obligations.

### **Record keeping**

9.31 The conditions at Appendix D outline the requirements in respect of records to be kept by operators, including booking records, and records in respect of the drivers and vehicles operated. All records kept by the operator shall be kept at the operator base for a minimum of 12 months following the date of the booking (for booking records) or the date the vehicle or driver ceases to take bookings from the operator (for driver and vehicle records).

## Appendix A - Hackney Carriage Specification and Licence Conditions

### Specification

1. The vehicle must meet the following specification:
  - a) the vehicle must be capable of carrying no fewer than four passengers and no more than eight
  - b) each passenger seat shall be fitted with a seat belt
  - c) no seats may be side facing
  - d) the seat provided for each passenger will have a minimum width of 406mm (16 inches) measured across its narrowest part
  - e) each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences
  - f) in addition to the driver's door, the vehicle will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers
  - g) the vehicle will be right hand drive
  - h) the vehicle will have four wheels
  - i) the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle
  - j) estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment
  - k) no alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the relevant council.
  
2. All vehicles must meet the following requirements:
  - a) Light transmitted through the windscreen must be at least 75 percent
  - b) All other windows (both front and rear) must allow at least 70 percent of light to be transmitted

Setting an approved level of tint on the rear passenger windows of licensed vehicles ensures that applicants have no doubt as to what vehicles can be purchased as well as maintaining high safety standards. Many vehicles are used for the carriage of children and vulnerable persons and excessively tinted windows may lead to activities taking place in the vehicle not being visible to persons outside, which poses a risk to both passengers and drivers, and vulnerable passengers such as lone females will feel safer in a vehicle where they can be seen. Officers need to be able to ensure the maximum number of passengers is not being exceeded. In addition, excessively tinted glass may restrict the vision of the driver, especially in dark conditions, which may prevent the driver from seeing other road users or pedestrians.

Where currently licensed vehicles have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed for as long as required assuming they meet the rest of this policy. Where currently licensed vehicles have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed prior to the next compliance test. Failure to do so will result in the vehicle failing the compliance test.

### **Vehicle emissions and testing requirements**

3. From 1 April 2022 proprietors will be required to have vehicles of at least Euro 4 standard to renew their licence; and Euro 4, Euro 6 or zero-emission capable to receive a new licence. From 1 April 2026, proprietors will be required to have vehicles of at least Euro 6 standard to receive a new or renewed licence.
4. Vehicles less than one month old and with less than 1500 recorded miles will be exempt from the requirement for a compliance check. All hackney carriage vehicles must have their meter checked for consistency with the displayed tariff card and the operation of the roof sign. This check must be carried out at a compliance testing centre.

Vehicles up to the third anniversary of their date of registration will require an annual compliance check.

Vehicles older than the third anniversary of their registration but less than the seventh anniversary of their registration will require compliance checks every six months.

Vehicles older than the seventh anniversary of their date of registration will require compliance checks every four months.

5. The test must take place in accordance with the council's testing procedures. Vehicles will be required to meet the required MOT and certificate of compliance standard for their age and construction and the council's standards as laid out in this appendix. In addition, the accuracy of the meter will be checked over a measured mile for two of the displayed tariffs and for waiting time.

### **Equipment**

6. The vehicle must carry the following equipment, clearly marked with the plate number of the vehicle:
  - a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change became necessary. Tyre inflation kits will only be acceptable if they are of the original manufacturer fit and unused.
  - a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle.
  - a warning triangle

- a fire extinguisher
- a working torch
- a first aid kit that is within the expiry date shown on the packaging.
- a high viz jacket or waistcoat

### **Condition of the vehicle**

7. The interior and exterior of the vehicle shall always be kept clean. The exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall always have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. All handles and internal trim must be present, safely attached and in working order. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the current Motor Vehicle (Construction and Use) Regulations.

### **Insurance and other documentation**

8. The proprietor shall not use the vehicle, nor permit it to be used, as a hackney carriage vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle for hackney carriage use or public hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate (paper or electronic) must be provided to the council. The councils will only accept insurance from bodies that are registered with the Motor Insurance Bureau.
9. When requested, the proprietor must produce the vehicle registration document, insurance or evidence that the vehicle has a valid compliance certificate. Only original documents are acceptable.

### **Licence plates**

10. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet. or on a secure bracket. No temporary fixing such as magnets, double-sided tape, cable ties or Velcro® are allowed. The licence plate remains the property of the council at all times. If required to do so at any time, the licence holder must return the plate to the council within seven days.

### **Taxi signs, livery and advertising**

11. Hackney carriages must display a roof sign in accordance with Appendix C.
12. Hackney carriages must display the complaints information card provided by the council inside the vehicle so that it may be clearly read by passengers.
13. Advertisements are permitted on the interior of purpose-built hackney carriages on the underside of the tip up seats and across the bulkhead above the dividing glass partition only. No advertisement may be placed on the dividing glass partition other

than notices approved by the council. Advertisements are not permitted on the interior of non-purpose-built hackney carriage vehicles.

14. Advertisements are permitted on the exterior of hackney carriages, including a full livery and/or vehicle 'body-wrap', subject to approval under the process detailed in Appendix J.
15. Proprietors are also permitted to display the following on the vehicle:
  - a sign indicating membership of the AA, RAC or similar motoring organisation
  - a first aid kit sticker
  - any other material supplied by government or a government organisation or corporation with the permission of the council.

#### **Audio, CCTV, video or surveillance systems**

16. No audio, CCTV, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

#### **Smoke free vehicles**

17. No smoking is permitted in the vehicle by either the driver or passengers. The use of electronic cigarettes and other vapour inhaling equipment is prohibited by drivers and passengers. At least one legible no-smoking sign must be displayed in the vehicle.

#### **Meters and tariff card**

18. All hackney carriage vehicles shall be fitted with a taximeter compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The taximeter shall be maintained in a sound working condition at all times. All meters must be of the 'calendar' type to automatically adjust for bank holidays. The taximeter shall be set for the current maximum tariff set by the council (or can be set at a lower tariff) and shall be sealed with a tamper evident seal to prevent unauthorised adjustment of that meter. Hackney carriage proprietors and drivers shall ensure the 'For Hire' sign or other illuminated sign is extinguished when the fare commences, and the taximeter is brought into operation.
19. The taximeter must:
  - be of the clock calendar type and change according to the wording of the council's agreed current maximum fare tariff or a lower tariff set by the operator
  - not be altered or tampered with except with the approval of the council and must be retested by one of the council's approved testing stations if it is altered. All openings shall be sealed with a 'tamper evident' seal supplied by the council.
  - show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures
  - be securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.

20. The tariff card must be fixed in such a position that it is visible to all passengers within the vehicle at all times. The tariff card shall clearly display the vehicle's licence number and shall reflect the tariff in use by the vehicle.

### **Trailers**

21. Trailers may only be used with the prior written approval of the relevant council. The trailer can only be used in connection with pre-booked journeys and cannot be used for plying for hire on a rank or the street.
  - the trailer must at all times comply with all requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078)
  - the vehicle insurance must include cover for towing a trailer
  - a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

### **Accessible Vehicles - Specification**

22. Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included in, and not in addition to, the maximum number of seats. When the wheelchair facility is not required the vehicle may operate as a standard hackney carriage with seating for the number of passengers the vehicle is licensed to carry.
23. Prior to licensing the applicant must provide the council with written confirmation from the manufacturer or modifier that the vehicle meets the required standard. When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested or approved to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval standard. A licensing officer may require the vehicle to be referred to one of the council's designated vehicle testing centres. This inspection will be carried out at the owner's cost. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.
24. All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.
25. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.
26. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

## Accessible Vehicles - Equipment and Anchorage

27. A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

### Ramps

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kg and certified to the relevant British Standards.

### Wheelchair lift

A purpose designed wheelchair lift shall conform to the relevant British Standards and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum. Any such equipment must always be maintained in good working order and be available for use.

28. The wheelchair access equipment shall be fitted such that it terminates at the interior floor level to allow smooth entry/exit of the wheelchair.
29. The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion company. In the case of purpose built vehicles e.g. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations shall be followed. Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.
30. A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.
31. All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.
32. Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).
33. If the vehicle is designed or adapted to carry a wheelchair, the proprietor must ensure that any driver of the vehicle has received sufficient training to load and convey wheelchair bound passengers.

### **Lost property**

34. The proprietor or driver of a hackney carriage must report any lost property found in the vehicle to Thames Valley Police in accordance with their current procedures, if they are unable to contact the passenger directly.

### **Reporting to the council**

35. All licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all licence holders are required to inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
36. All licence holders must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
37. All licence holders must notify the relevant council in writing of any transfer of ownership of a licensed vehicle within 14 days of the transfer taking place.
38. Where damage that requires repair arises from an accident the proprietor is required to report the accident to the relevant council within three days.

### **Hackney carriages and pre-booked journeys**

39. Hackney carriage proprietors must keep records of any pre-booked work in a suitable book or on a computer or any other recordable device. If using a book, the pages must be numbered consecutively and the proprietor shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
  - time and date of the booking
  - name of the hirer
  - fare quoted
  - how the booking was made (e.g. app, telephone, email, in person) and the time
  - time of the proposed pick up
  - point of pick up and drop off
  - notes about any sub-contracting of the booking
40. Proprietors will be required to give access to their records and adequate instruction to licensing officers upon request so that the licensing officers can interrogate the records to carry out their enforcement duties and to ensure the hackney carriage is operating in compliance with policy.

## Appendix B - Private Hire Vehicle Specification and Licence Conditions

### Specification

1. The vehicle must meet the following specification:
  - a) the vehicle must be capable of carrying no fewer than four passengers and no more than eight
  - b) each passenger seat shall be fitted with a seat belt
  - c) no seats may be side facing
  - d) the seat provided for each passenger will have a minimum width of 406mm (16 inches) measured across its narrowest part
  - e) each passenger shall have direct access to a door without the need to remove or completely fold flat any other seating in order that passengers may access their seat easily and escape without delay in case of emergency. The council will consider vehicles that have seats that 'tilt' forward by a single operation. If this type of seat is fitted the driver must inform the passengers of the operation of the seats before a journey commences
  - f) in addition to the driver's door, the vehicle will have three doors each of which must be fitted with an efficient handle, lock and window operation to allow access and egress for passengers
  - g) the vehicle will be right hand drive
  - h) the vehicle will have four wheels
  - i) the vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage for the total capacity of the vehicle
  - j) estate cars must have a guard/cover fitted to prevent luggage entering the passenger compartment
  - k) no alteration to the manufacturer's specification for the vehicle, including a change of or additional fuel type, shall be carried out except with the prior written approval of the relevant council.
  
2. All vehicles (except for those with an exemption) must meet the following requirements:
  - a) Light transmitted through the windscreen must be at least 75 percent
  - b) All other windows (both front and rear) must allow at least 70 percent of light to be transmitted

Setting an approved level of tint on the rear passenger windows of licensed vehicles ensures that applicants have no doubt as to what vehicles can be purchased as well as maintaining high safety standards. Many vehicles are used for the carriage of children and vulnerable persons and excessively tinted windows may lead to activities taking place in the vehicle not being visible to persons outside, which poses a risk to both passengers and drivers, and vulnerable passengers such as lone females will feel safer in a vehicle where they can be seen. Officers need to be able to ensure the maximum number of passengers is not being exceeded. In addition, excessively tinted glass may restrict the vision of the driver, especially in dark conditions, which may prevent the driver from seeing other road users or pedestrians.

Where currently licensed vehicles have factory tinted/privacy glass fitted and are able to provide documentary evidence of this, they will remain licensed until the vehicle reaches the maximum licensable age in accordance with the existing age of vehicle policy. Where currently licensed vehicles have had a tinted film fitted to the vehicle (i.e. not factory fitted at time of manufacture), they will be required to have the film removed prior to the next vehicle compliance test. Failure to do so will result in the vehicle failing the compliance test.

3. A private hire vehicle must not be of such design or appearance as to lead any person to believe it is a hackney carriage.

### **Vehicle emission and testing requirements**

4. From 1 April 2022 proprietors will be required to have vehicles of at least Euro 4 standard to renew their licence; and Euro 4, Euro 6 or zero-emission capable to receive a new licence. From 1 April 2026, proprietors will be required to have vehicles of at least Euro 6 standard to receive a new or renewed licence.
5. Vehicles less than one month old and with less than 1500 recorded miles will be exempt from the requirement for a compliance check.

Vehicles up to the third anniversary of their date of registration will require an annual compliance check.

Vehicles older than the third anniversary of their registration but less than the seventh anniversary of their registration will require compliance checks every six months.

Vehicles older than the seventh anniversary of their date of registration will require compliance checks every four months.

6. The test must take place in accordance with the council's testing procedures. Vehicles will be required to meet the required MOT and certificate of compliance standard for their age and construction and the council's standards as laid out in this appendix. In addition, the accuracy of the meter will be checked over a measured mile for two of the displayed tariffs and for waiting time.

### **Equipment**

7. The vehicle must carry the following equipment, clearly marked with the plate number of the vehicle:
  - a spare wheel suitable for immediate use and properly maintained; if the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change became necessary. Tyre inflation kits will only be acceptable if they are of the original manufacturer fit and unused.
  - a jack and tools for changing the wheels including a locking wheel nut tool if security bolts are fitted to the vehicle.

- a warning triangle
- a fire extinguisher
- a working torch
- a first aid kit that is within the expiry date shown on the packaging.
- a high viz jacket or waistcoat

### **Condition of the vehicle**

8. The interior and exterior of the vehicle shall always be kept clean. The exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall always have uniform paintwork equivalent to that applied by the manufacturer. The interior shall be free of stains, spills, tears and the seats must function in accordance with the original manufacturer's specification. All handles and internal trim must be present, safely attached and in working order. The vehicle will comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to, the generality of the current Motor Vehicle (Construction and Use) Regulations.

### **Insurance and other documentation**

9. The proprietor shall not use the vehicle, nor permit it to be used, as a private hire vehicle if it does not have a policy of insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for private hire. The proprietor must produce when requested a valid certificate of insurance. On renewal of the insurance a copy of the new certificate (paper or electronic) must be provided to the council. The councils will only accept insurance from bodies that are registered with the Motor Insurance Bureau.
10. When requested, the proprietor must produce the vehicle registration document, insurance or evidence that the vehicle has a valid compliance certificate. Only original documents are acceptable.

### **Licence plates**

11. The external licence plate supplied by the council shall be securely fixed to the outside rear of the vehicle either by direct fixing, e.g. screw, bolt or rivet or on a secure bracket. No temporary fixing such as magnets, double-sided tape, cable ties or Velcro® are allowed. The licence plate remains the property of the council at all times. If required to do so at any time the licence holder must return the plate to the council within seven days.
12. Where a vehicle is granted an exemption from display of the plate, the vehicle must display the internal licence issued by the council which must be clearly visible from the inside and outside of the vehicle. This must not be placed in a position that obstructs the view of the driver. The rear licence plate must also be carried in the vehicle at all times.

### Private hire signs and advertising

13. Advertisements are permitted on the exterior of private hire vehicles, including a full livery and/or vehicle 'body-wrap', subject to approval under the process detailed in Appendix J. Advertisements for other taxi or private hire companies are not permitted.
14. Private hire vehicles are not permitted to display the words 'Taxi' or 'Cab' which may indicate the vehicle is a hackney carriage and they must not display a roof sign.
15. Private hire vehicles must display the complaints information card provided by the council inside the vehicle so that it may be clearly read by passengers.
16. Private hire vehicles may also display:
  - a sign indicating membership of the AA, RAC or similar motoring organisation
  - a first aid kit sticker
  - any other material supplied by government or a government organisation or corporation with the permission of the council.

### Audio, CCTV, video or surveillance systems

17. No audio/video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the council.

### Smoke free vehicles

18. No smoking is permitted in the vehicle by either the driver or its passengers. The use of electronic cigarettes and other vapour inhaling equipment is prohibited by drivers and passengers. At least one legible no-smoking sign must be displayed in the vehicle.

### Meters

19. A private hire vehicle may be fitted with a taximeter. All taximeters must be compliant with the Measuring Instruments (Taximeters) Regulations 2006 (S.I. 2006/2304). The taximeter shall be maintained in a sound working condition at all times. All meters must be of the 'calendar' type to automatically adjust for bank holidays. All meters must be sealed with a tamper evident seal. The taximeter shall be set at the tariff displayed in the vehicle which must be visible to passengers.
20. The taximeter must:
  - be of the clock calendar type and change according to the wording of the displayed fare tariff;
  - show the fare recorded on the taxi meter in plainly legible figures and the word 'FARE' shall be clearly displayed so as to apply to such figures;
  - be kept securely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose whenever necessary.

## Trailers

21. Trailers may only be used with the prior written approval of the council and subject to the following requirements:
  - trailers can only be used in connection with private hire bookings
  - the trailer must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986 (S.I. 1986/1078).
  - the vehicle insurance must include cover for towing a trailer
  - a suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

## Accessible Vehicles - Specification

22. Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included in, and not in addition to, the maximum number of seats. When the wheelchair facility is not required the vehicle may operate as a standard private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.
23. Prior to licensing the applicant must provide the council with written confirmation from the manufacturer or modifier that the vehicle meets the required standard. When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers the vehicle must have all modifications and adaptations, including all seats, seat belts and anchorages, retested or approved to meet either the European Whole Vehicle Type Approval or the UK Low Volume Type Approval standard. A licensing officer may require the vehicle to be referred to one of the council's designated vehicle testing centres. This inspection will be carried out at the owner's cost. It is recommended that prior to purchasing any new vehicle, advice be sought from the Licensing Team.
24. All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door must be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.
25. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 1220mm (48 inches). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.
26. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

## Accessible Vehicles - Equipment and Anchorage

27. A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

### **Ramps**

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kg and certified to the relevant British Standards.

### **Wheelchair lift**

A purpose designed wheelchair lift shall conform to the relevant British Standards and the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate. All equipment used to lift people requires inspection every six months. The LOLER regulations require that records of inspection must be kept for two years or until the next inspection as a minimum. Any such equipment must always be maintained in good working order and be available for use.

28. The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.
29. The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion company. In the case of purpose built vehicles e.g. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations shall be followed. Please note this will always be either facing the front or rear of the vehicle. Wheelchairs must never be carried facing sideways in a vehicle.
30. A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended by 90/629 EEC) or the UK equivalent standard.
31. All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC) or the UK equivalent standard.
32. Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings to the position of the wheelchair. This is required by (European Directive 76/115 EEC or the UK equivalent standard and Regulations 46 and 47 Road Vehicles (Construction and Use) Regulations 1986).
33. If the vehicle is designed or adapted to carry a wheelchair, the proprietor must ensure that any driver of the vehicle has received sufficient training to load and convey wheelchair bound passengers.

### **Specification for special vehicles**

34. For the purpose of this policy, a special vehicle shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature, e.g. transport to parties or an

‘executive vehicle’ and is not a conventional vehicle used for standard private hire work. Examples of vehicles that may fall within the ‘special event’ category are stretch limousines, classic cars or a vehicle that has fewer than four seats.

35. This element of the policy only applies to private hire vehicles and sets out the general considerations the council will take into account when considering an application for the licensing of a special vehicle. This policy does not apply in relation to vehicles used solely in connection with weddings and funerals, as these are exempt from private hire licensing.
36. The general licence conditions for private hire vehicles would not normally allow for special vehicles to be licensed for a number of reasons including the style and design of the vehicle.
37. A proprietor may apply for a licence for any special vehicle which would not meet the standard private hire vehicle conditions by seeking variation or exemption from some of the standard conditions. All other requirements in respect of standard private hire vehicles shall apply to any special vehicles unless the vehicle is exempted from said requirement in writing by the council.
38. Each vehicle will be considered and assessed on merit taking account of:
  - the overall condition of the vehicle
  - the number of passengers for which it is required to be licensed (vehicles may only be licensed for up to and including 8 passengers)
  - the specific criteria for which exemption is sought.
39. The individual nature of a special vehicle will inevitably give rise to issues that would not apply to conventional private hire vehicles and therefore it will be necessary to consider whether additional conditions should be included on any licence. The primary consideration will always be the safety and comfort of the travelling public.
40. Vehicles may be right or left hand drive provided that left hand drive vehicles have the relevant vehicle type approval from DVSA (written proof to be submitted with the application). In addition, the following applies:
  - the vehicle must not have fewer than four road wheels
  - the number of doors must be sufficient to allow safe access and egress for the number of passengers for which approval is sought
  - the vehicle must comply with Construction and Use Regulations.

### **Lost property**

41. The proprietor or driver of a private hire vehicle must report any lost property found in the vehicle to Thames Valley Police in accordance with current procedures, if they are unable to contact the passenger directly.

## Reporting to the council

42. All licence holders must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all licence holders are required to inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
43. All licence holders must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
44. All licence holders must notify the relevant council in writing of any transfer of ownership of a licensed vehicle within 14 days of the transfer taking place.
45. Where damage that requires repair arises from an accident the proprietor is required to report the accident to the relevant council within three days.

DRAFT

## Appendix C - Hackney Carriage Roof Signs

1. All hackney carriages must display a fully illuminated roof-mounted sign to the specifications below.
2. The requirements for the roof sign are:
  - an aerodynamic triangular structure referred to by some sign manufacturers as 'streamline' or 'sloped'
  - the long dimension is 450mm (18 inches), the base is 150mm (6 inches) and the height is 150mm (6 inches)
  - a white background
  - must be connected to the taximeter and it must be automatically controlled
  - must be lit when the taximeter is not active or when the vehicle is plying for hire and not lit when the taximeter is in use or the vehicle is not available for hire
  - the relevant council's logo, measuring 125mm wide and 95mm high, must be displayed on the far left of the front of the roof sign
  - the vehicle plate number must be displayed under the logo
  - the proprietor's surname or company name/logo (as agreed with the licensing team) must be displayed in the remaining space
  - nothing else is displayed on the front of the roof sign.
3. The roof sign must be affixed to the vehicle at all times. The only exceptions to this are:
  - when the vehicle is parked at a proprietor's home or in a private taxi office car park for security reasons
  - when the vehicle is undergoing maintenance work or is being cleaned.

In both cases the roof sign must be put back on the vehicle before the vehicle is used on the highway.

There is no exception to the roof sign unless the vehicle is a London style cab or other similar vehicle that has a built in taxi roof sign. In this case the council's logo, measuring 125 mm wide and 95mm high, must be displayed in both rear passenger door windows.



Front (SODC logo shown to indicate size and location of council logo)



Back (Telephone number optional)



Side

## Appendix D - Operator Licence Conditions

1. The records required to be kept by the operator under sections 56(2) and (3) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. Any information recorded must remain accurate for future reference. If using a book, the pages must be numbered consecutively. The operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
  - time and date of the booking
  - name of the hirer/passenger
  - fare quoted
  - how the booking was made (e.g. app, telephone, email, in person) and the time
  - time of the proposed pick up
  - point of pick up and drop off
  - registration or plate number of the vehicle allocated for the booking and the name and licence number of the driver
  - name of the individual who dispatched the vehicle.
2. A private hire operator may sub-contract a booking to another licensed operator or hackney carriage driver. A record of whom the booking was sub-contracted to and when must be kept. Operators are required to evidence that comparable safeguarding protections are applied by the company to which they sub-contract any bookings. If a PSV with PCV driver is used, the hirer must be informed of this and notified that the driver is not required to have an enhanced DBS check.
3. If the operator uses a computerised booking system, the council will require access to the system so that the council is able to establish that records are entered sequentially and that it is able to establish the date and time at which the record was created.
4. The operator shall also keep records of the particulars of all private hire vehicles, which shall include details of the owner, registration numbers and drivers of such vehicles, together with any radio call signals used.
5. All records kept by the operator shall be kept for a minimum of 12 months following the booking (for booking records) or the date the vehicle or driver ceases to take bookings from the operator (for vehicle and driver records) and shall be made available upon request to an authorised officer of the council, police officer or any other relevant enforcement agency.
6. Operators will be required to give access to their records and adequate instruction to licensing officers upon request so that the licensing officers can interrogate the records to carry out their enforcement duties. Records shall be maintained at the operator base for that purpose.
7. Operators are required to report any complaints regarding a driver's behaviour, driving standards or the condition of the vehicle to the council within 72 hours of receipt of the

complaint. This does not remove responsibility from the operator to conduct a proper investigation of the complaint.

8. It is an offence for the operator of a private hire vehicle to fail or refuse to accept a booking for the vehicle if the reason for the failure or refusal is because the hirer or a person accompanying the hirer is disabled person who will be accompanied by an assistance dog. It is also an offence to make any additional charge for the carrying of an assistance dog.
9. Operators must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all operators must inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
10. Operators must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
11. Where the private hire operator is trading as a limited company or partnership, the company must advise the licensing authority within seven days of any change in directors or partners throughout the period of the licence.
12. If an operator is given notice to undertake a random DBS check by the council, they must do so within 14 days of the request.
13. The operator shall only use trading or company name(s) that are included on the operator licence, or other trading name(s) approved by the council in writing.
14. Operators must keep a register of all staff involved in bookings and dispatching work and they must obtain basic DBS checks for all such staff prior to them commencing work for the operator and annually thereafter. Evidence of the most recent check must be retained while the staff member works for the firm and for a period of 6 months after they leave the firm, and this must be provided on request to any authorised officer. The staff member must be required as part of their contract to advise the operator of any cautions or convictions while they are employed in this role.
15. Operators must keep a written policy on employing ex-offenders in roles that would be on the register as above, and this must be provided to any person on request.

## **Appendix E - Driver Licence Conditions and Code of Conduct**

1. Drivers are required to be familiar with all parts of the council's policy and comply with the requirements of the policy and the conditions that form a part of their licence. Any driver who contravenes policy or any of these conditions may be deemed not fit and proper to hold a licence.
2. Drivers shall wear their driver's licence badge in a clearly visible position at all times when in control of a licensed vehicle.
3. Whilst in control of a licensed vehicle, a driver shall, if required to do so by any person, give his or her name and badge number and also the name and address of the vehicle proprietor, the vehicle plate number and registration number.
4. Drivers must report all new convictions, cautions, warnings, reprimands, anti-social behaviour orders, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), driver education courses and any disqualifications from driving in writing within 48 hours. In addition, all drivers must inform the relevant council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police.
5. Drivers must notify the relevant council in writing of any change of name, postal address, email address or telephone number during the period of the licence within seven days of the change taking place.
6. Drivers must notify the relevant council in writing within seven days of any change in their medical condition. A new medical may be requested by the council to determine if the driver is fit to continue to drive licensed vehicles.
7. Drivers must sign up for the DBS Update service and maintain their annual payments to the DBS. If a driver is given notice to undertake a random enhanced DBS or DVLA check they must provide all relevant documentation for this to the council within 14 days of the request.
8. Drivers shall behave in a civil and orderly manner at all times and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or leaving the vehicle.
9. Drivers must not drink or eat whilst driving, nor should they use any hand-held mobile phone, PDA, or any other device which may cause their attention to be distracted.
10. Drivers must not smoke or use electronic cigarettes/vaping equipment whilst in control of a licensed vehicle.
11. Drivers shall ensure their appearance is smart, clean and professional when working.

12. Drivers must not initiate or take part in any dialogue of a sexual nature with a passenger, including by telephone contact, social media, email or any other form of communication. Drivers are not permitted to have sexual contact, even with consent, with a passenger whilst working or in a licensed vehicle.
13. Drivers shall convey a reasonable quantity of luggage for passengers and offer reasonable assistance in loading and unloading.
14. Drivers shall ensure that they comply with all traffic signs, signals and regulations and the Highway Code at all times. Drivers must not cause an obstruction or nuisance to other traffic or pedestrians when parked or collecting passengers and must not park in breach of any parking restrictions.
15. To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:
  - not sound the vehicle's horn
  - keep the volume of audio and communications equipment to a reasonable level
  - take all reasonable actions to avoid disturbance to persons in the vicinity
16. Drivers shall switch off the vehicle engine if waiting for more than one minute when picking up or dropping off passengers or waiting on a rank.
17. Drivers shall carry an assistance dog accompanying a disabled person without any additional charge, unless the driver has a medical exemption certificate that allows him/her not to carry dogs for medical reasons. Any drivers with an exemption must display the exemption notice in line with the guidance issued with the notice.
18. Drivers shall carry a wheelchair using person and their wheelchair and provide reasonable assistance without any additional charge, unless the driver has a medical exemption certificate that allows him/her not to carry or assist wheelchair users for medical reasons. Any drivers with an exemption must display the exemption notice in line with the guidance issued with their notice.
19. At hackney carriage ranks, drivers shall:
  - queue in an orderly manner and proceed along the rank promptly
  - if approached by a potential customer, direct them to the vehicle at the front of the rank unless the passengers specifically ask for a particular vehicle or driver
  - not call out to any person to ask if they require a taxi ('touting')
  - remain in or within ten metres of the vehicle
  - not park on the rank when not working.

## Appendix F - Guidance on Suitability of Applicants

*[extract from Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' published in April 2018]*

### Overview

- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8 which states: "The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

### Taxi Drivers

- 3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted and many authorities grant "dual" or "combined" licences to cover driving both types of vehicle.

3.11 An applicant must hold a full DVLA or equivalent driver's licence, have the right to work in the UK, and be a "fit and proper" person<sup>1</sup>.

3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.

3.13 An applicant must also have the right to remain, and work in the UK<sup>2</sup>.

3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.<sup>3</sup>

3.15 It is the whole issue of "fit and proper" that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in Leeds City Council v Hussain<sup>4</sup>. Silber J said: "... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers."

3.16 This is reflected in a test widely used by local authorities: 'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'<sup>5</sup>

3.17 It is suggested that the expression "safe and suitable" person to hold a driver's licence is a good interpretation which neither adds nor removes anything from the original term of "fit and proper" but brings the concept up to date.

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide: "such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any

---

<sup>1</sup> Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

<sup>2</sup> Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

<sup>3</sup> "Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales" - Home Office, 1st December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

<sup>4</sup> [2002] EWHC 1145 (Admin), [2003] RTR 199

<sup>5</sup> Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

such licence.”<sup>6</sup> This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments.<sup>7</sup> Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared<sup>8</sup>) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.<sup>9</sup>

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks<sup>10</sup> and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

3.24 If any applicant has, from the age of 10 years, spent 6 continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/ countries covering the relevant period should be required.

3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person’s safety and suitability.<sup>11</sup>

---

<sup>6</sup> Local Government (Miscellaneous Provisions) Act 1976 s57(1)

<sup>7</sup> See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

<sup>8</sup> “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

<sup>9</sup> See *Adamson v Waveney District Council* [1997] 2 All ER 898

<sup>10</sup> “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

<sup>11</sup> As recommended by the DfT “Taxi and Private Hire Licensing – Best Practice Guide” para 59

3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.

3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.

3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account.<sup>12</sup> This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.

3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.

3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.

3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.

3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

---

<sup>12</sup> *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.

3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

### **Private Hire Operators**

3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All 3 licences (PHO, PHV and PHD) must have been granted by the same authority<sup>13</sup>. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person<sup>14</sup>.

3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.

3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?

3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.

3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.

---

<sup>13</sup> See *Dittah v Birmingham City Council, Choudhry v Birmingham City Council* [1993] RTR 356 QBD

<sup>14</sup> Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used: “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”<sup>15</sup>

3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation<sup>16</sup>. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

### **Vehicle Proprietors**

3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.

3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.

3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence<sup>17</sup> and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.

---

<sup>15</sup> Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

<sup>16</sup> See s57(1)(c) of the 1976 Act.

<sup>17</sup> S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.

3.47 A suitable test would be: “Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”<sup>18</sup>

### **Guidance on Determination**

4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.

4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

### **Pre-application requirements**

4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

---

<sup>18</sup> Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

Vehicles:

- Basic DBS checks;
- Specifications e.g. minimum number of doors, seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.

Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.

4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.

4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership<sup>19</sup>) is “safe and suitable” to hold the licence.

4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

---

<sup>19</sup> Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction<sup>20</sup>. Fixed penalties and community resolutions will also be considered in the same way as a conviction.<sup>21</sup>

4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases

---

<sup>20</sup> This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

<sup>21</sup> This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

## **Drivers**

4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

**Crimes resulting in death**

4.29 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

**Exploitation**

4.30 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

**Offences involving violence**

4.31 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

**Possession of a weapon**

4.32 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**Sex and indecency offences**

4.33 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

4.34 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

**Dishonesty**

4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**Drugs**

4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

4.37 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also

have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### **Discrimination**

4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Motoring convictions**

4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

### **Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving**

4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

4.41 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

### **Other motoring offences**

4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Hackney carriage and private hire offences**

4.44 Where an applicant has a conviction for an offence concerned with or connected to

hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Vehicle use offences**

4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

### **Private Hire Operators**

4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.

4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.

4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

### **Vehicle Proprietors**

4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.51 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

4.52 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

## Appendix G - Penalty Points Scheme

The councils operate a penalty points scheme under which points can be issued to licence holders for breaches of licensing conditions or non-compliance with the law as an alternative to prosecution. This is in accordance with the councils' Environmental Health and Licensing enforcement policy, which is available on the councils' websites. There is no financial penalty associated with this scheme. The existence of this scheme does not bind officers or members to act in accordance with it, and if the circumstances of a particular case support doing so it shall be open to officers or members to select a different course of action in respect of that case, such as prosecution for a single breach, or issuing an informal warning.

The main features of the scheme are as follows:

- points are issued to licence holders for breaches of licensing conditions or legislation;
- a total of 12 points issued to an individual licence holder in any 12 month period will result in consideration of suspension or revocation of the licence
- points issued to a licence holder will be automatically removed after 12 months have elapsed from the date the points were issued; and
- licence holders have a written right of appeal within seven days of points being issued.

In conducting a review of a licence where the holder reaches 12 points within any 12 month period, the Head of Housing and Environment or Panel will take account of all of the pertinent facts, and of any representation made by the driver, operator or proprietor before considering what action, if any, would be appropriate and proportionate to take. Each case will be considered on its own merits. The decision maker may also have regard to any previous warnings or panel referrals in reaching a decision, including those involving other licensing authorities. The options available to the decision maker, depending upon the severity of the breaches and any previous record of misconduct, will typically be:

- to take no further action
- to warn the licensee as to their future conduct
- to suspend the licence for a specified period, or until such time as certain conditions have been satisfied; or
- to revoke the licence.

In general, the recommended starting point for any period of suspension would be two weeks. This may be reduced if there is sufficient mitigation, or extended in more serious cases.

Any licence holder subject to suspension or revocation has a right to appeal to the magistrates' court within 21 days of the decision. Suspensions and revocations will not be implemented until the 21 day appeals period has elapsed, however, driver suspensions on public safety grounds will take immediate effect. Once a suspension has been served, all points will be removed for 'totting up' purposes.

A list of breaches covered by the scheme, together with the points that can be issued for each breach is shown below. Similar breaches may be regarded in the same way, even if not explicitly listed below.

| No | Breach   | Points |
|----|--|--------|
| 1  | Use of hand held phone whilst in control of a vehicle  | 12     |
| 2  | Driver smoking in the vehicle  | 12     |
| 3  | Obstruction or failure to comply with requirement of authorised officer or constable   | 12     |
| 4  | Unlicensed vehicle (including use of a suspended vehicle)  | 12     |
| 5  | Unlicensed driver (including use of a suspended driver)  | 12     |
| 6  | Using vehicle with no valid insurance or compliance certificate  | 12     |
| 7  | Using vehicle which would not pass a compliance test   | 12     |
| 8  | Failure to carry an assistance dog   | 12     |
| 9  | Failure to carry or to provide reasonable assistance to disabled persons   | 12     |
| 10 | Private hire driver plying for hire  | 12     |
| 11 | Hackney carriage plying for hire outside the relevant council area.  | 12     |
| 12 | Failure by driver or operator to keep records of bookings or vehicles  | 10     |
| 14 | Abusive or improper behaviour  | 8      |
| 15 | Private hire vehicle parked on a rank  | 8      |
| 16 | Hackney carriage parked in a rank outside of licensing district  | 8      |
| 17 | Display of roof sign on a private hire vehicle   | 8      |
| 18 | Making false statement or withholding information in connection with an application  | 6-12   |
| 19 | Charging more than metered/agreed fare, use incorrect tariff or tampering with meter   | 6-12   |
| 20 | Poor driving standards   | 6-12   |
| 21 | Failure to produce licences or documentation on request  | 6      |
| 22 | Failure to notify any matter required by licence condition within prescribed time limit  | 6      |
| 24 | Failure by hackney carriage proprietor to keep records of pre-booked journeys  | 6      |
| 25 | Touting  | 6      |
| 26 | Hackney carriage driver refusing fare from rank without good reason  | 6      |
| 27 | Leaving a hackney carriage unattended on a designated rank   | 6      |
| 29 | Carrying person other than hirer without consent or carrying excessive passengers  | 6      |
| 30 | Failure to present vehicle for inspection when requested   | 6      |
| 31 | Failing to comply with vehicle licence conditions e.g. not carrying equipment  | 6      |
| 32 | Illegal tyres / construction and use offences / vehicle defect   | 8      |
| 33 | Vehicle not displaying licence plate as prescribed, failure to display internal licence or displaying unauthorised markings or advertising | 6      |
| 34 | Hackney carriage not displaying prescribed roof sign, roof sign not connected or not functioning properly                                  | 6      |
| 35 | Failure to wear driver licence badge so it is clearly visible  | 6      |
| 36 | Unnecessarily prolonging a journey   | 4      |
| 37 | Vehicle engine idling for more than one minute   | 4      |
| 38 | Failing to display tariff card in vehicle with a meter   | 4      |
| 39 | Parking in contravention of parking restrictions or Highway Code   | 4      |
| 40 | Failure to comply with traffic sign or signal or similar traffic offence   | 4      |
| 41 | Illegal use of bus lane  | 4      |
| 42 | Poor driving standards - minor   | 4      |
| 43 | Failure to display smoke free signage in vehicle   | 4      |
| 44 | Misuse of vehicle horn   | 4      |

## Appendix H - Safeguarding vulnerable adults and children

We recognise that all licensed drivers who transport children, young people and vulnerable adults play a very important role in safeguarding, and this is why mandatory training is provided. **The key message is that safeguarding is everyone's responsibility.**

Please read these questions and answers to help you understand more about who we are trying to protect:

**Q. What do we mean by children?**

A. Under the law 'child' means anyone under the age of 18.

**Q. What do we mean by 'vulnerable young people and adults'?**

A. Vulnerable young people or adults are those who have needs because of their mental health, disability, age, illness or other reasons that may mean they are unable to take care of him/herself or unable to protect him/herself against significant harm or serious exploitation. Some people may be more likely to be abused by others because they need help to speak, move or understand or they may have mental health problems; this makes them vulnerable.

**Q. Perhaps you are already transporting vulnerable passengers; how would you know this?**

A. They may find it hard to understand, behave in unexpected ways or have difficulty finding their way; all of which can make them vulnerable to others treating them badly. Other passengers may suffer from dementia, so they can't remember things.

**Q. Who would you report to if you were a concerned about a passenger you transport?**

- A.
- Speak to your manager
  - Contact the Supported Transport Hub at Oxfordshire County Council
  - Contact the Transport Quality Monitoring Team at Oxfordshire County Council.
  - Contact Multi Agency Safeguarding Hub (MASH)
  - Speak to the Oxfordshire County Council Local Authority Designated Officer

Please see end of this section for contact details

### Abuse

- An abuser can come from any background
- Women can commit abuse (including sexual abuse) and so can other children
- Anyone can be abused; both children or adults
- Over 80% people that are abused are abused by someone they know
- Children with disabilities are 3 times more likely to be abused
- Adults with disabilities are 1.5 times more likely to be abused

**Q. What is abuse?**

A. There are many types of abuse:

- Physical abuse
- Sexual abuse
- Neglect
- Self-neglect
- Emotional abuse
- Psychological abuse
- Modern slavery
- Domestic abuse
- Financial abuse
- Discriminatory abuse

**Q. What do you think are examples of physical abuse?**

A. Hitting, shaking, throwing, poisoning, burning, drowning, suffocating.

**Q. What do you think are examples of emotional abuse?**

A. Telling someone they are worthless, unloved, inadequate, not valued for themselves, not worth listening to, deserve to be laughed at. Calling people names, prejudice and bullying.

**Q. What do you think are examples of sexual abuse?**

A. Encouraging a child or vulnerable adult to take part in or watch sexual activities. This includes any unwanted physical contact whether inside or outside of clothing.

**Neglect**

**Q. What is neglect?**

A. Failure to meet a child or vulnerable adult's needs, such as:

- not providing food, clothing, medical treatment and shelter
- not protecting them from harm from others
- not responding to emotional needs

**Q. What do you think are examples of self-neglect?**

- A.
- Poor personal hygiene
  - Malnutrition/ weight loss
  - Unsuitable clothing
  - Unsafe living condition

**There are other ways people you transport could suffer abuse:**

- **Forced marriage** – where someone is forced to marry against their will. They can happen in secret and can also be planned by parents, family or religious leaders. (This is illegal, unlike arranged marriage which is legal).
- **Domestic abuse** – treating a partner badly. This includes humiliation, violence and intimidation to punish or frighten them.
- **Modern slavery** – when people are taken from one place to another to be exploited.
- **Radicalisation** – when people are encouraged to adopt radical positions on political and social issues and when people are recruited for terrorism.
- **Female genital mutilation (FGM)** – the practice of removing some or all of a girl's sexual parts. It is illegal in the UK and in many other countries.
- **Child sexual exploitation (CSE)** – a type of sexual abuse in which children are used for sex, money, power or status. Children or young people may be tricked and think they are being loved and that they have agreed to it. They might be invited to parties and given drugs and alcohol.
- **Grooming** – when someone pretends to make friends to get someone's trust, so they can eventually have sex with them. Children and young people can be groomed online or face to face. Many children and young people don't understand that they have been groomed, or that what is happening to them is abuse.
- **County lines** – is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs. They use dedicated mobile phone lines or the 'deal line'. County Lines is a serious issue nationwide. It not only involves drugs but also violence, criminal and sexual exploitation, modern slavery and missing persons.
- **Human trafficking** - is a crime relating to the moving of a vulnerable person from one place to another against their will.

**What should I look out for?**

There are various signs to look for. One sign on its own may not be significant, but several signs together should give you cause for concern:

- unaccompanied children
- unusual drop off points
- adults paying fares for young people
- passenger allowing others to speak for them when addressed directly
- inappropriate conversations
- passenger not knowing their home or work address
- passengers travelling with a group of persons who do not speak the same language
- passengers collected very early and/or returned late at night on a regular basis
- inappropriate clothing for the season/weather
- they may look thin, ill or depressed
- they may have no cash of their own
- a decline in a vulnerable person's well-being (e.g. noticeably more forgetful or tired)
- other warning signs such as bruising, drugs, self-harm

**How to keep yourself safe**

If a passenger becomes violent or aggressive, remain calm and avoid shouting. Give them space and report to your office and the transport quality monitoring team (if applicable). It is important that you behave in ways that protect you and your passengers from risk.

**You should not:**

- take an unplanned detour to take a passenger home
- give a vulnerable passenger your personal mobile number for any reason
- give gifts
- befriend passengers on Facebook or other social media

**You should:**

- read any guidelines provided by the district council or county council drivers
- be professional
- avoid swearing and aggression
- always wear your ID badge
- sit lone passengers in the back seat (unless their passport says you should not)

**Reporting concerns**

Licensed drivers are the eyes and ears of their communities through the work they do and the contacts they have. The ability to spot the signs and having the knowledge of how to report concerns can be a major help in preventing this crime. If you hear or see anything which makes you think someone might be at risk you need to tell your office or one of the contact numbers below. Please remember it is your job to report information, **not to investigate**.

**Useful numbers**

|  |  |
|--|--|
| If there is an urgent risk call  | 999  |
| To report specific concerns about the abuse or neglect of an adult, call Social and Health Care  | 0845 050 7666  |
| If you are worried that your manager or any other professional in a position of trust (e.g. teacher) may be abusing a child, call the Local Authority Designated Officer for Child Protection (LADO) | 01865 810603   |
| If you are concerned that a child may be being abused by someone other than your manager or another professional (e.g. parent), call the Multi-Agency Safeguarding Hub (MASH)                        | 0345 0507666   |
| To discuss general safeguarding concerns for the particular attention of the Supported Transport Hub call<br>Or email them to Transport Quality Monitoring Team                                      | 01865 323500<br><a href="mailto:gmcc@oxfordshire.gov.uk">gmcc@oxfordshire.gov.uk</a> |

## Appendix I - Disability awareness

Taxis are an important, and sometimes the only, means of transportation for many people with disabilities. It may be that you drive a vehicle designed to make travelling easier for disabled people, but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by people with disabilities is very important.

Under the Equality Act 2010, you're disabled if you have a physical or mental impairment that has a substantial and long-term negative affect on your ability to do normal daily activities. Disability comes in many forms - not always visible.

You should never make assumptions, always ask what help (if any) a passenger may need from you. Make sure that you are familiar with any access and safety equipment in your vehicle. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask how you can assist.

The mandatory training will give you an awareness and better understanding of people with disabilities whilst also enabling you to ensure that your passengers always receive the very highest standard of safety. On the day of the training session, a practical demonstration will be given on manoeuvring and securing wheelchairs. Also, the following advice aims to assist you in giving the best quality of service to your passengers.

### Communicating with passengers

- Speak directly to the person and not their helper or carer
- Treat people with respect and do not speak about them as if they are not there
- Be aware of personal space and physical contact

Please follow any additional information, advice or instructions that you are given by a parent, carer or establishment. For example, a carer might inform you that a child or vulnerable adult had a very difficult evening and might be quite unsettled. Don't let anyone persuade you to drop them off at an unplanned venue - someone with dementia could get lost or get into difficulties and they might no longer be safe. You may be advised not to talk with some passengers because they are too unwell to understand clearly.

### Wheelchair users

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- Always ask the customer to make sure that the brakes of the wheelchair are on.
- Secure the wheelchair and suggest that the passenger uses the seat belt provided.
- Avoid sudden braking or acceleration.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are

collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

### **Passengers with walking difficulties**

If the passenger appears to have walking difficulties, or is frail or elderly, always offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.

Some other tips:

- Let people use their walking aids if they have one
- Don't hurry people as they may get flustered
- Be aware of floor surfaces/hazards they will be walking on
- If a passenger falls, do NOT try to catch them

### **Visually impaired passengers**

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the "TAXI" sign which may be held out by some visually impaired people in order to hail a cab
- If you are knowingly collecting a visually impaired passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and sound your horn
- If your customer would like to be accompanied to or from a building, offer them your arm (gripping just above the elbow will enable them to be guided more easily)
- Tell your passenger whether they are entering a saloon car or purpose-built cab
- Demonstrate which way the doors open where appropriate
- If possible, place a visually impaired person's hand on the open door and indicate the position of the roof
- Make sure the passenger(s) know which way the vehicle is facing
- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion
- Tell passenger(s) the fare and count out the change
- Set the passenger(s) down in a safe place and ensure they know where they are going

### **Hearing impaired passengers**

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing

- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going

### **Assistance dogs**

Assistance dogs can be for:

- Sight loss
- Hearing loss
- Therapy dogs
- Specially trained seizure or stroke awareness dogs

Assistance dogs are trained to remain on the floor of a vehicle. Refusal to carry an assistance dog without a medical exemption is an offence under the Equality Act 2010 and is in contravention of the conditions of your licence.

### **Passengers with learning disabilities**

A learning disability is NOT the same as a learning difficulty or mental illness. Some people with a learning disability can talk clearly and look after themselves whilst others may not be able to communicate at all.

There are different ways of communicating with passengers who have learning disabilities:

- Communication systems e.g. Makaton
- Easy read symbols e.g. emojis
- Be patient
- Use plain speech but do not use baby talk
- Say what you mean and mean what you say to avoid confusion
- Speak with feeling
- Body language is also important when communicating with passengers

### **Autism**

People with autism have different ways of understanding the world. Some people with autism find it difficult to understand what we mean when we are talking, and some are confused by rules and boundaries. Each person with autism is different with their own preferences and needs and they can behave in unexpected ways. They may feel very anxious moving from one place to another and when very upset they may not be able to hear what is being said.

Common examples of behaviours associated with autism:

- Avoiding social interaction
- Avoiding eye contact
- Taking people's speech literally
- Being unable to understand sarcasm
- Liking familiar routine

### **Epilepsy**

People with epilepsy can have seizures. It is important that you have read any information supplied and know what to do. If a passenger has a seizure you need to note how long this lasts and pass this message on to the relevant people.

### **Mental health and physical disabilities**

You may also transport vulnerable adults who have a mental health condition such as dementia or anxiety or someone with physical problems such as hearing or sight loss. You will be advised on the best way to meet the passenger's needs by their family or care professional.

### **Dementia**

One suggestion is for you to have a checklist when you are picking up or dropping off someone who is forgetful, so you can be sure they have important items such as their bag, keys, glasses, purse/wallet, any medication, etc.

### **Vehicle maintenance and seatbelts**

Keep door handles, locks and hinges well lubricated. This reduces the amount of physical (often painful) effort required to operate them.

Best practice is for the driver to wear their seatbelt as this sets a good example for their passengers. Also make sure all your passengers are wearing a seatbelt.

DRAFT

## Appendix J - Approval of advertising on licensed vehicles

1. All advertisements must comply with the British Code of Advertising Practice, Sales Promotion and Direct Marketing and it is the responsibility of the agency or individual seeking the council's approval to ensure that they do so.
2. Each application will be considered on its merits, but advertisements containing the following will not be approved:
  - a) Those with political, religious, sexual or controversial texts;
  - b) Those for escort agencies or massage parlours;
  - c) Those displaying nude or semi-nude figures;
  - d) Those which seek to involve the driver as an agent of the advertisers;
  - e) Those likely to offend public taste (including material depicting bodily functions and the use of obscene or distasteful language);
  - f) Those which seek to advertise more than one company.
3. All advertisement liveries must be approved by the council and proposals must be accompanied by full colour, three-view art work.
4. The licensed vehicle may be required to attend the council offices for inspection of the finished livery.
5. The bodywork of the licensed vehicle must be maintained in good condition. If any panels on the vehicle are damaged, they must be repaired or replaced within 7 days.
6. No secondary advertising of any kind will be permitted, whether in the form of the logo of the company preparing the vehicle or the name of the advertising agency.
7. No logos or words will be allowed on the boot lid area or directly adjacent to the licence plate or registration number.
8. If approved, the livery may remain on the vehicle for a period of one year. At the end of that year, the vehicle owner may apply for an extension for a further 12 months which may be granted subject to an inspection of the quality of the livery and bodywork. This would be subject to a renewal application process and fee.

## Appendix K - Glossary of Terms

| Term                                 | Description   |
|--------------------------------------|---|
| Authorised officer                   | An officer authorised by the council under the relevant legislation governing the licensing of hackney carriage and private hire vehicles, operators and drivers  |
| Compliance testing centre            | One of the designated test centres across the two districts where vehicles may be tested and issued with a compliance certificate   |
| Compliance certificate               | Test of mechanical fitness for a licensed vehicle and its compliance with the standards as set out in this policy   |
| Convictions and cautions             | Applicants should note that any reference in this document to 'conviction' includes all convictions, warnings, reprimands, criminal behaviour orders, injunctions, cautions, community service orders, restraining orders and fixed penalties (including traffic offences), including those that are regarded as spent under the 1974 Rehabilitation of Offenders Act (see Regulated Occupation below).   |
| Council                              | The Vale of White Horse District Council in its capacity as licensing authority for the area of Vale of White Horse, and/or South Oxfordshire District Council in its capacity as licensing authority for the area of South Oxfordshire.  |
| DBS                                  | Disclosure and Barring Service. Formerly Criminal Records Bureau (CRB)  |
| DfT                                  | The Department for Transport  |
| DfT guidance                         | The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in March 2010 and Private Hire Vehicle Licensing: Guidance Note, published in August 2011   |
| DfT guidance on stretched limousines | The Department for Transport Guidance for Operators of Stretched Limousines, published March 2013   |
| DVLA                                 | Driver and Vehicle Licensing Agency   |
| DVSA                                 | Driver and Vehicle Standards Agency   |
| EEA                                  | European Economic Area  |
| General Licensing Committee          | The committee of councillors of Vale of White Horse District Council that is responsible for the council's hackney carriage and private hire licensing functions in the area of Vale of White Horse, and the committee of councillors of South Oxfordshire District Council that is responsible for the council's hackney carriage and private hire licensing functions in the area of South Oxfordshire. |
| Group 2 Medical                      | The DVLA Group 2 standard of medical fitness for professional drivers.  |

|                             |  |
|-----------------------------|--|
| Guidance on suitability etc | The Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' published in April 2018  |
| Hackney carriage            | A vehicle licensed to ply for hire throughout the respective district.   |
| HGV                         | Heavy Goods Vehicle  |
| Low emission vehicle (LEV)  | One with CO <sub>2</sub> emissions of 120 g/km or lower  |
| Licensing panel             | A Taxi Licensing Panel of South Oxfordshire District Council or Vale of White Horse District Council.  |
| Passenger                   | A traveller in a vehicle other than the driver.  |
| Private hire vehicle        | A motor vehicle constructed or adapted to seat fewer than 9 passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers  |
| Private hire operator       | A person who makes provision for the acceptance of private hire bookings to undertake themselves or pass to others to undertake. 'Operate' means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle   |
| PSV                         | Passenger Service Vehicle  |
| Regulated occupation        | The principles of the Rehabilitation of Offenders Act 1974 do not apply to applicants for hackney carriage and private hire drivers' licences. This is because the driving of taxis is listed as a 'Regulated Occupation' in relation to which questions may be asked as to the suitability of individuals to be granted a licence. See also Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002. |
| Taxi                        | This word has no meaning in law but is routinely used in government documents to describe hackney carriages. To avoid confusion, the use is limited to instances where reference is made to other documents which have used it.  |
| Ultra-low emission vehicle  | An ultra-low emission vehicle is a vehicle that produces less than 75g/km of CO <sub>2</sub> .   |
| Vehicle or licensed vehicle | Both a hackney carriage and private hire vehicle.  |